

1 Thursday, 2 October 2008

2 (10.00 am)

3 (In the presence of the jury)

4 DETECTIVE CHIEF SUPERINTENDENT JON BOUTCHER (continued)

5 MR HORWELL: Mr King has indicated he has no questions.

6 SIR MICHAEL WRIGHT: I am sorry, Mr King.

7 MR HORWELL: So it's now my turn.

8 SIR MICHAEL WRIGHT: Yes.

9 Questions from MR HORWELL

10 MR HORWELL: Mr Boutcher, there is a great deal to cover,
11 but can we start, first, please, with this important
12 point: Commander Dick was in charge of this operation on
13 the morning of the 22nd.

14 A. Yes, sir.

15 Q. She was a senior police officer to you in rank?

16 A. She was, sir, yes.

17 Q. You could easily, no doubt, say that these were her
18 decisions and hide behind them and her superior rank.
19 But do I understand your position clearly to be this:
20 that you stood effectively by her side that morning and
21 you remain there to this day.

22 A. That's correct, sir, absolutely. Commander Dick was
23 outstanding that day. I think we are extremely
24 fortunate to have had her as a DSO, designated senior
25 officer; I think probably one of two or three of the

1 best choices we had available in the Met, in my view the
2 best; and her performance that day was exemplary, sir.

3 Q. You take full responsibility with her for the decisions
4 that were made that morning?

5 A. Absolutely, sir. I take full responsibility. I agreed
6 with all of her decisions. I was aware that if I wished
7 to I could challenge her. She was open to suggestions
8 at all times. She had some excellent advice from the
9 best people that we have in the organisation that were
10 available to give that advice, such as the senior
11 firearms tactical advisers, and she welcomed that
12 advice. I agreed with every decision she made.

13 I am the senior investigating officer. I actually
14 designed that framework and I made the decision to seek
15 a DSO for this structure, for the framework, to address
16 the manhunt for the people who tried to bomb London on
17 21 July. I am the senior investigating officer and not
18 only do I stand by Commander Dick's decisions,
19 I actually believed this was my operation, I put that
20 structure in place and I am responsible for the
21 operation from 21 July until we arrested all of the
22 people that we believed responsible and closed the
23 operation that led to identifying and detaining
24 everybody on 2 August, sir.

25 Q. In terms -- I do not want you to go through in any

1 detail at all the backgrounds of the lead police
2 officers that day -- of the team that was assembled in
3 the operations room, how would you describe the
4 competence and the quality of that team?

5 A. I have reflected on the day, sir, because of the tragic
6 events of Mr de Menezes' death, and I don't think there
7 is anybody that I would have selected to be part of that
8 structure that wasn't there. We had the best, most
9 experienced officers, and that includes those who had
10 reflected on the learnings of events like Madrid on
11 behalf of the Metropolitan Police. Simply the
12 decision-making capabilities and calmness of
13 Commander Dick, I think are indicative of the fact that
14 she was the most suitable person to take the role of DSO
15 at that time; and I am sure many of us remember the
16 atmosphere and the uncertainty as to what we faced next
17 in July, and it needed a calm and sensible head from the
18 DSO, and Commander Dick was that throughout.

19 Q. The jury will be seeing Commander Dick next week.

20 A. Sir.

21 Q. Commander, as she was then. Can I first deal with some
22 of the principal issues that have been raised, both in
23 the course of your evidence and that of Mr McDowall's.
24 What you have said was that, on that morning, there were
25 varying levels of priorities that you had to deal with.

1

2 A. Yes, sir.

3 Q. So that the jury can understand what you mean by that,
4 if you had had intelligence that a bomber or bombers
5 were inside 21 Scotia Road that morning, would this
6 operation have been completely different?

7 A. Absolutely, sir, yes.

8 Q. Can you just indicate what those principal differences
9 would have been?

10 A. Of course, sir, and we had, we did have what I would
11 call significant information during the operation where
12 we deployed, we sent our firearms officers and
13 surveillance officers immediately to locations where we
14 had information that the bombers were at that time,
15 direct and specific intelligence that the bombers were
16 at given addresses.

17 An example is Yassin Omar who was at an address in
18 Birmingham through some information we received.
19 Another example, which was incorrect but we received
20 information from a source, that one of the bombers was
21 about to be removed from an address in London, so
22 immediately I put air support up to identify that
23 location and get control of it. Without the tactical
24 briefing, we sent the firearms team immediately to that
25 address with a surveillance team to establish control of

1 the address to arrest a subject; and that morning,
2 I know Mr McDowall and many others talk about priority
3 addresses, we had addresses that emerged from the bag
4 that was recovered from Shepherd's Bush through the gym
5 card.

6 They were our first addresses so of course they are
7 our priorities, but I was aware and hopefully I have
8 articulated that this was going to be a developing
9 operation. And at the time they were the most
10 interesting addresses we had. But I did not have
11 intelligence to say our bombers were at these addresses,
12 far from it. It was a proportionate and sensible
13 response to send surveillance and in accordance with
14 Mr McDowall's instructions, send firearms teams to them.

15 Q. That is why, when you came back on duty at 7.10 that
16 morning, you did not then and there demand that
17 a firearms team was sent to Scotia Road?

18 A. Absolutely, sir, correct.

19 Q. Although it was a priority address, you did not consider
20 that it required that degree of urgency?

21 A. Absolutely, sir, that is correct.

22 Q. Now, if we can go back a little in time, as we have
23 heard, you led the investigation into the 7 July
24 bombings?

25 A. To search for those responsible, sir, yes.

- 1 Q. So that the jury understand, obviously the bombers had
2 killed themselves in the course of those atrocities, but
3 you were seeking to find their supporters, their
4 financiers, their contacts, and perhaps above all the
5 bomb factory?
- 6 A. All of those, sir, who had launched them to conduct that
7 attack, but equally, and it was an emerging picture,
8 were we going to face further waves of attacks; because
9 as we know historically, such attacks that are focused
10 from Al Qaeda often come in spectacular either waves or
11 multiple-sited attacks which we had seen that day, so it
12 was trying to identify anybody else who could have been
13 associated with them that could have come to attack us
14 in the future.
- 15 Q. Mr Boutcher, I am sure this doesn't need spelling out,
16 but that in itself was a considerable undertaking?
- 17 A. It was, sir, yes.
- 18 Q. You were asked to lead the investigation into the
19 21 July attempted bombings, because it obviously made
20 sense to have the same senior investigating officer,
21 because of the belief that there were links?
- 22 A. Yes, sir.
- 23 Q. Indeed this investigation showed that there were in fact
24 links between the two events?
- 25 A. Yes, sir.

- 1 Q. On the 21st, you were on duty until about 2.30,
2 3 o'clock in the morning?
- 3 A. That's correct, sir, yes.
- 4 Q. Having started your duty that day, you think, at about
5 7 o'clock?
- 6 A. It would have been 7 or a little earlier, sir.
- 7 Q. So 7 am on the 21st until about 2.30, 3 am on the 22nd?
- 8 A. Yes, sir.
- 9 Q. By the time you left New Scotland Yard, for what would
10 have been no more than a very short break, there had
11 been no significant developments?
- 12 A. That's correct, sir, yes.
- 13 Q. By the time that you left New Scotland Yard, had there
14 been consideration as to how London could best be
15 protected overnight?
- 16 A. Absolutely, sir. A structure had been put in place.
17 Officers had been allocated responsibilities to cover
18 all of the essential ingredients required for the
19 investigation to ensure that there was an ability to
20 respond to any emerging information.
- 21 Q. Also, as we have heard, a team of SFOs on duty?
- 22 A. A specialist firearms team were allocated to cover for
23 the night, sir, yes.
- 24 Q. Which as we know was not normal; it was a decision made
25 simply because of the events of that day?

- 1 A. Yes, sir.
- 2 Q. As we have also heard, Silver firearms tactical advisers
3 present?
- 4 A. Yes, sir.
- 5 Q. On duty?
- 6 A. Yes, sir.
- 7 Q. To accompany those firearms officers if they were called
8 out?
- 9 A. The situation described, sir, if we had been aware that
10 bombers had been identified in an address or indeed,
11 sir, if we had faced anything else, unforeseen further
12 attacks or anything of that nature.
- 13 Q. As the senior investigating officer into this manhunt,
14 when you left New Scotland Yard that morning, is this
15 right: there is not another SIO to take over, you
16 remained the senior investigating officer throughout.
- 17 A. Yes, sir.
- 18 Q. Is the rationale for that that it is better to have one
19 and one senior investigating officer only?
- 20 A. That is correct, sir.
- 21 Q. Otherwise you keep having to update yourself the entire
22 time as you are replaced, I imagine?
- 23 A. And there may be slight differences in decision-making
24 and people need to know who is responsible and who is in
25 control, sir.

- 1 Q. Whilst you were away during those early hours of the
2 morning, it's Noel Baker in charge of the operations
3 room?
- 4 A. Yeah, his title is operations co-ordinator, sir; he is
5 responsible for the operations room.
- 6 Q. When you returned to New Scotland Yard at 7.10, you said
7 yesterday you wish you would have been called back
8 earlier?
- 9 A. Yes, sir.
- 10 Q. And if someone, as an act of kindness, had let you
11 sleep, it's not an act of kindness which you would have
12 consented to?
- 13 A. I would rather have been aware and come in, sir.
- 14 Q. On your return, you were obviously soon made aware of
15 the developments that had taken place, and of
16 Mr McDowall's strategy?
- 17 A. Yes, sir.
- 18 Q. Your approach to the investigation to find and arrest
19 the men responsible for this attack considered three
20 possibilities, we heard yesterday?
- 21 A. Yes.
- 22 Q. Your worst fear was that they had returned to the bomb
23 factory to prepare for another attack?
- 24 A. Yes, sir.
- 25 Q. For the reasons that you explained, you did not consider

1 that the bomb factory would be a footprint address?

2 A. I thought that unlikely from the learning of 7/7, sir.

3 Q. It is obvious common sense --

4 A. Yes, sir.

5 Q. -- Mr Boutcher. Secondly, that they had simply fled,

6 disappeared, and again it is obvious from that belief

7 that they would not be going to a footprint address?

8 A. Absolutely, sir.

9 SIR MICHAEL WRIGHT: Going back one step, Mr Horwell, it

10 would have to be another bomb factory, presumably?

11 Because the Yorkshire one had been discovered.

12 MR HORWELL: Yes, I am sorry, I meant the bomb factory for

13 these attacks. We will discover in the course of this

14 morning that the bomb factory for these attacks was at

15 Curtis House.

16 SIR MICHAEL WRIGHT: It was not the Yorkshire one.

17 MR HORWELL: It was not the Yorkshire bomb factory.

18 SIR MICHAEL WRIGHT: Thank you.

19 MR HORWELL: And third, that they had gone to a footprint

20 address to prepare for the arrival of the police?

21 A. Yes, sir, it is something that had not been experienced

22 before but it was something I had to continge for.

23 Q. Order of likelihood?

24 A. Order of likelihood is probably as you presented them,

25 sir, for me: order of risk, first and third, and then

1 obviously if they are simply going to flee, risk to the
2 public is less. My main concerns about priority for
3 safety to the public would have been number one and
4 number three.

5 Q. The position that presented itself to you on the morning
6 of the 22nd, by the time you were made aware of the
7 developments in the strategy, was it surveillance
8 officers and firearms officers to just one address at
9 that stage or the two?

10 A. It was the two addresses, sir.

11 Q. So Scotia Road and Portnall by the time you arrived --

12 A. That's right, sir, yes.

13 Q. -- at 7.10. Did one address have priority over the
14 other?

15 A. At that stage, sir, no.

16 Q. The fact that the Primera had been left very close to
17 Scotia Road, did that give it a priority status over and
18 above Portnall Road in your mind, Mr Boutcher?

19 A. Not significantly, I mean, it was a factor that we had
20 to consider. The vehicle had actually been registered
21 the year before at Scotia Road, but it was then
22 registered at Portnall Road, so there was a number of
23 different and conflicting intelligence as to where the
24 vehicle, if you like, was currently registered. So both
25 addresses for me were equally important.

- 1 Q. Right. You have said yesterday that from your
2 experience, the most profitable part of this
3 investigation was going to be intelligence gathering?
- 4 A. Most definitely, sir, yes.
- 5 Q. Is that in fact what happened?
- 6 A. It is, sir, yes.
- 7 Q. Now, back at 7.10, would you have been aware of
8 developments and strategy, say, for example, by 7.30?
- 9 A. 7.30, sir, yes.
- 10 Q. Just to pluck a time so that we can work upon that.
11 Were you determined to implement that strategy and to
12 lead this investigation?
- 13 A. Yes, sir.
- 14 Q. What then was your state of mind as to the
15 implementation of that strategy, firearms officers,
16 surveillance officers, to these two addresses? Did you
17 know by then that each address had surveillance officers
18 at it?
- 19 A. I did, sir, yes.
- 20 Q. Then let us move to firearms officers. Did you know
21 that there were not firearms officers at each address at
22 that time?
- 23 A. I did when I arrived at 7.10, sir, yes.
- 24 Q. What was your approach, Mr Boutcher, to the sending of
25 firearms officers to each of those two addresses?

1 A. It was a sensible contingency because they were the
2 first addresses that had emerged. In my view, I think
3 I explained yesterday, sir, but in my view this was
4 going to be a very long, proactive search for the people
5 responsible and I would want people at both addresses
6 who would very likely be moved elsewhere during the day,
7 and potentially in the forthcoming days to a number of
8 different locations, to be able to work for at least
9 a 12-hour shift, so that we had fresh Silver Commanders,
10 fresh senior tactical advisers on the ground, and as
11 best as we could, we only have four SFO teams, sir, but
12 fresh SFO teams.

13 Q. So were you content that, using teams that were either
14 going to come on duty or be used from 7 o'clock that
15 morning, all that we have heard, the necessary
16 briefings, taking out the weapons, arming them, in the
17 case of the black team, were you content with that
18 arrangement, and was it compliant with McDowall's
19 strategy?

20 A. In my view, sir, it was compliant and had I been there,
21 that's the decision I would have taken to start it as
22 I planned from 7 am.

23 Q. I was going to ask you that question. If in fact you
24 had never left New Scotland Yard that morning, would you
25 have done anything differently?

1 A. No, I wouldn't, sir, and I know it's very difficult to
2 recreate what would have been happening but I have no
3 doubt, I am sure the evidence will be heard, that there
4 would have been a series of meetings, ongoing and
5 emerging information from the intelligence about the
6 addresses and the bags, and decisions being taken over
7 a period of an hour, an hour and a half from the time
8 that this was first discovered, and you are then
9 approaching the period of 7 am, if not almost upon that
10 period, when the teams were being brought in in any
11 event.

12 So as opposed to put a team out, at which address
13 I don't know which would have been chosen for the one
14 team, but to put a team out only to be replaced almost
15 immediately, on the level of priorities that these
16 address presented in my view, it was sensible to go from
17 7 am, sir.

18 SIR MICHAEL WRIGHT: I am a little puzzled about that.

19 I appreciate, of course, that you came on at 7 o'clock
20 or came back at 7 o'clock, by which time the black team
21 was coming on.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: You couldn't speed them up, they were
24 just coming in.

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: Going back to what Mr Horwell asked you
2 a moment ago, if you had not left Scotland Yard at all
3 that night, and at just after 4 o'clock the intelligence
4 had come in which gave you these two addresses.

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: Take it a bit further if you like,
7 because a little later on you had two more addresses.

8 A. We did, sir, yes.

9 SIR MICHAEL WRIGHT: But you only had one team at that
10 stage.

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: What do you do?

13 A. I wasn't there, but there would have had to be
14 a decision where there was a requirement to put that
15 team out at any given address; or, and obviously
16 I wasn't there, sir, so it's difficult, to hold the team
17 in a position that they can react to any events at
18 either address, or emerging intelligence to direct the
19 team to an address that is so forceful that we need to
20 put the team at that address.

21 SIR MICHAEL WRIGHT: It's a prioritisation exercise, isn't
22 it?

23 A. Yes, sir, yes.

24 SIR MICHAEL WRIGHT: You don't do nothing?

25 A. No, sir.

1 SIR MICHAEL WRIGHT: So you have to make up your mind.

2 A. Yes, sir.

3 SIR MICHAEL WRIGHT: You only have one team; which of these
4 four is the one we ought to send it to.

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: The trouble is -- I say trouble, it may
7 not be -- we don't have or there doesn't appear to have
8 been any record while you were away of anybody else
9 dealing with, approaching and dealing with that problem,
10 does there?

11 A. I have not seen any record, no, sir.

12 SIR MICHAEL WRIGHT: I am not aware of any.

13 A. I think the ops room, the ops co-ordinator and his
14 deputy, may be able to assist with that, sir.

15 SIR MICHAEL WRIGHT: We will see. Very well.

16 MR HORWELL: Mr Boutcher, can I just follow up one of the
17 questions from the learned Coroner.

18 Is it in fact, or would it in fact have been the
19 position that, being aware of two, three, four
20 addresses, whatever the number, you would have sent
21 a team in the early hours of the morning to one of those
22 addresses, or would you have kept the team in a central
23 location to deploy as and when necessary?

24 A. As I have said hopefully, sir, unless there is any
25 compelling information to deploy at a given address,

1 which in this stage I don't think there was, I would
2 have kept that team in a central location suitable to
3 respond to any of the addresses.

4 Q. Right. In answer to the question that was posed
5 a number of times, surveillance arrive just after
6 6 o'clock in the morning, which was a priority?

7 A. Yes, absolutely.

8 Q. In terms of urgency?

9 A. Indeed, sir, yes.

10 Q. The question that has been posed: well, what if a bomber
11 had come out at quarter past 6, quarter past 7, quarter
12 past 8 or whenever, what would have happened; the one
13 team in a central location and the use of ARVs?

14 A. Yes, sir.

15 Q. Would you have been content with that cover overnight?

16 A. I would have, sir. Both are capable of responding to
17 any what I would term emergency information from the
18 surveillance team where they required support.

19 Q. How well, in fact, did you know the area of Scotia Road?

20 A. I had been a detective sergeant at Brixton, sir, so
21 reasonably well, the area.

22 Q. One of the suggestions that has been made is that there
23 should have been a firearms car, presumably unmarked,
24 let us deal with it on that basis, there should have
25 been a firearms car parked in Roupell Road?

- 1 A. Yes, sir.
- 2 Q. To support the surveillance officers, so in other words
3 from 6.04 that morning, until a team could arrive at the
4 TA Centre. So that would mean at least three, three and
5 a half hours?
- 6 A. Yes, sir.
- 7 Q. What do you say to that suggestion as something that
8 should have been done?
- 9 A. Realistically, sir, a covert armed response vehicle
10 invariably is not particularly covert in that although
11 it's not a marked police vehicle, within the context of
12 that area, it would not have been able to exist for very
13 long at all. It would have been a bad decision. It
14 would have been compromised --
- 15 Q. Can you help the jury as to why that would be the case?
- 16 SIR MICHAEL WRIGHT: I am sure we can guess it.
- 17 MR HORWELL: I am sure we can but the issue has been raised
18 and Mr Boutcher must deal with it. Why?
- 19 A. Quite simply because in that area and having worked at
20 Brixton, as soon as you do any covert operation, and
21 it's a challenge for the surveillance teams, plain
22 clothes vehicles are soon identified locally as being
23 plain clothes police vehicles, and people are aware that
24 there is a police operation in the area very quickly.
25 You have a very brief time span to put a vehicle in that

1 position. If I may suggest, if we had an advanced plan
2 and we knew someone was about to leave an address, we
3 might put a vehicle in a close position literally
4 minutes before. But for any protracted period of time
5 it would have been compromised.

6 SIR MICHAEL WRIGHT: Four large men in a rather clean black
7 car may be identified quickly.

8 A. Three -- I would say no more than that, sir.

9 MR HORWELL: You might as well have a big sign "police car"
10 over the roof, Mr Boutcher.

11 A. We often get people bringing cups of tea out to the
12 police officers in plain clothes.

13 Q. Another suggestion that I would like you to deal with:
14 that at a very early stage that morning, the police
15 should have planned for a stopping area and that any
16 subject or suspect should have been stopped in that
17 predetermined stopping area, and the suggestion has been
18 the children's play area in Marnfield Crescent, the
19 green. Let us deal with that, because it is
20 a suggestion that has been made.

21 MR MANSFIELD: Sir, may I make it clear, I certainly have
22 not made that suggestion.

23 SIR MICHAEL WRIGHT: Well, put it this way, it's there, and
24 if Mr Horwell wants to deal with it, I think he should.

25 MR HORWELL: It raises two issues, before you deal with my

1 question. First of all the practicality of
2 a predetermined stopping area, and secondly the
3 suitability of that particular area, the green, the play
4 area near to Scotia Road. First of all, the
5 practicality of selecting a predetermined stopping area
6 in these circumstances.

7 A. Well, sir, it would be completely impractical, and I am
8 sure the firearms officers could explain very well that
9 when somebody leaves an address, they could leave on
10 a push bike out of a communal door; on a motorcycle;
11 they could be picked up on a main road that they walked
12 to; they could simply walk quickly away from an address.
13 There are so many different ways that people can travel
14 away from an address. It's a case of the surveillance
15 team managing to get control through surveillance of any
16 interested people leaving the address, and then a plan
17 is taken as to where that person is travelling as to the
18 best way for the firearms team to conduct an arrest or
19 an intervention. It is impractical, utterly, in these
20 circumstances to have that type of scenario.

21 SIR MICHAEL WRIGHT: It means you can't commit yourself to
22 one particular course at the risk of shutting off
23 alternative courses(?).

24 A. Exactly, without any specific information as to --

25 SIR MICHAEL WRIGHT: So that flexibility is all.

1 A. Is everything, sir.

2 SIR MICHAEL WRIGHT: That still doesn't mean you do nothing.

3 A. No, sir.

4 SIR MICHAEL WRIGHT: So what do you do?

5 A. When I say "do nothing", sir, the firearms teams'
6 tactical advisers would be looking at the address and
7 roads away, main roads away; but you can't plan to
8 intervene in a particular location because you don't
9 have any information as to where the people are going to
10 travel to. The important thing is to make sure that you
11 are there and in contact with the surveillance team.

12 SIR MICHAEL WRIGHT: Right.

13 A. And then it's an emerging picture as to where the
14 individual travels to, sir.

15 MR HORWELL: Mr Boutcher, can I just ask you this, what may
16 be such an obvious point you have not even mentioned it:
17 that all of this will be dependent upon when the
18 individual is described as a possible suspect.

19 A. That's right, sir, there is always a process and as
20 I say, this was the very first day of the surveillance
21 team, and again it's such a challenging task for them,
22 being able to get in a position to make any form of
23 identification.

24 Q. Secondly, the suitability, you have answered it really
25 already, Mr Boutcher, but let us take it through, the

1 suitability of Marnfield Crescent as a stopping area?

2 A. I would be appreciative if I could see it on a map now,
3 but certainly from my recollection it's in the immediacy
4 of the address and we have already spoken about getting
5 covert armed response vehicles into the location that
6 would be exposed almost immediately. Added to that, and
7 I think it was a second limb of your question, sir --

8 SIR MICHAEL WRIGHT: You would like the map up?

9 A. I would like the map, sir. That would be helpful.

10 MR HORWELL: Of course. It's the jury bundle, tab 14,
11 page 26.

12 A. Thank you.

13 Q. It's not easy to follow. Can you see first Scotia Road
14 in the middle about two-thirds of the way down?

15 A. Yes, sir.

16 Q. Then into Marnfield Crescent?

17 A. Yes. I think if you actually by way of example look at
18 the surveillance log for Mr de Menezes' exit from the
19 address, he is not identified anyway at that stage in
20 any way for any such intervention to occur. It's simply
21 impractical. And in the investigation and again by way
22 of example because it's relevant because it was part of
23 what we had to face in this investigation, people
24 associated with those responsible for the bombings and
25 supporting them lived locally to them, lived in

1 adjoining flats and adjoining roads, so any compromise
2 in that area, any indication, even out of line of sight
3 of the address of Scotia Road, presents a real risk of
4 compromising the activity at the address.

5 That's far too close, sir.

6 Q. What of the suggestion that each and every time somebody
7 described as being worth a second look, that that
8 individual is stopped by firearms officers?

9 A. Obviously, again in that area, the first stop by the
10 firearms officer in any immediate vicinity to that
11 location, it would have been known locally, absolutely,
12 that there was a firearms operation, and put in context
13 of had happened the day before, people inevitably linked
14 anything we did at that time with the terrorist attacks.
15 So it would have resulted in compromising the operation.

16 Q. What happened in this particular case is that
17 surveillance followed Mr de Menezes and you waited in
18 the operations room to see whether they could make
19 an identification and, if so, the quality, the level of
20 that identification. Do you consider that that was the
21 best approach in these circumstances?

22 A. Absolutely, sir, yes.

23 Q. To have sent a firearms team in the moment Frank had
24 said, "He's worth a second look", is that something you
25 would ever have done?

1 A. No, sir, absolutely not. We are exposing the team
2 unnecessarily and we are going to compromise the
3 operation.

4 Q. The jury asked a question last week which so far has
5 remained unanswered, and the question asked was, bearing
6 in mind Madrid, to which we will come in a moment, the
7 question was: bearing the Madrid circumstances in mind,
8 could not the police have made a surprise entry into
9 number 21 Scotia Road? Before we deal with that issue,
10 a little more about Madrid, first of all.

11 The Madrid bombers, and this is an important
12 difference, Mr Boutcher, do you agree, were not suicide
13 bombers?

14 A. They were not, sir, no, not perceived to be.

15 Q. The devices on the trains that killed 191 people and
16 wounded nearly 2,000 were effectively set by timing
17 devices?

18 A. Mobile phone system, sir, yes.

19 SIR MICHAEL WRIGHT: Remote control.

20 A. They weren't actually remote control, sir. They
21 actually were set by the alarm on a mobile phone to go
22 off.

23 SIR MICHAEL WRIGHT: So they were timers.

24 A. They were, sir, yes.

25 MR HORWELL: The belief is that, having committed that

1 outrage, they were in the process of preparing for
2 another?

3 A. Indeed, sir, yes.

4 Q. When the police went to their address, they were
5 obviously aware of the police presence?

6 A. They did, sir. The police tried to use some guile to
7 knock at the door to see if people were there, asking if
8 somebody was there to receive some tools, I believe, so
9 there was a response from the address and the police
10 realised the premises were occupied. That resulted in
11 one of the terrorist cell coming downstairs -- it was
12 a first floor apartment -- on to street level to see who
13 had rung the buzzer. That individual was approached by
14 a couple of plain clothes Spanish police officers and he
15 fled on foot and escaped, sir. But as he did so, people
16 from the address opened fire on the police officers.

17 Q. As we know, as the lead officer went through the door,
18 blew up the premises?

19 A. Ultimately, sir, they attempted to evacuate people then
20 from the flats for their safety, and the police officers
21 were under fire while that was occurring and the public,
22 and then when the police officers moved forward to do
23 an entry into the address, as they entered, the
24 terrorists detonated devices that they had literally
25 improvised from what we can see now during the period of

1 the police being aware of the address. They had no
2 suicide belts or anything there. They sort of
3 improvised on the spot.

4 Q. Was your concern that if conventional bombers,
5 non-suicide bombers were so willing to blow themselves
6 up, suicide bombers will presumably be even more eager
7 to do so?

8 A. Of course, sir, yes.

9 Q. Your third consideration, that the bombers had gone to
10 a footprint address --

11 A. Yes, sir.

12 Q. -- to prepare for the police?

13 A. Yes, sir.

14 Q. Can I ask you then in those circumstances to address the
15 question from the jury: why not a surprise intervention.

16 A. Because in effect, sir, they would have been waiting
17 for --

18 SIR MICHAEL WRIGHT: Yes, it wouldn't have been a surprise.

19 A. They would have been waiting for the police to go to the
20 address. It would not have been that they would have
21 been in the address thinking they were safe. They would
22 have been deliberately there awaiting the police
23 response to then conduct some sort of spectacular
24 atrociousness and that would obviously, if they detonate
25 a device there, have implications for other people if

1 it's a flat, because other people are going to be killed
2 and injured within that block of flats.

3 MR HORWELL: So it is not a course that you considered?

4 A. No, sir.

5 Q. What is a very important question in the circumstances
6 of that morning is this, Mr Boutcher: if C019 had been
7 at the TA Centre at, shall we say, 8 o'clock that
8 morning --

9 A. Yes, sir.

10 Q. -- would you have in fact called them out any earlier
11 than you did so that morning?

12 A. I have reflected on this, sir. Certainly not, no.
13 Because of the identification issue, sir.

14 Q. So the time at which C019 were called out on the morning
15 of the 22nd was not in any sense dependent on their
16 location?

17 A. No, sir.

18 MR HORWELL: There is a question from the jury. Let's wait.

19 SIR MICHAEL WRIGHT: I'll read the question: if you had
20 known that -- well, if you had known that the
21 Scotia Road building in which 21 is --

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: -- was a communal residence before you
24 set up your strategy, would you have changed it? Would
25 you have varied your strategy?

- 1 A. No, sir. We became aware of it, and we, I think I tried
2 to explain yesterday, the strategy for me remained the
3 same, but it was a case of waiting to get control of the
4 door of 21.
- 5 SIR MICHAEL WRIGHT: Thank you.
- 6 MR HORWELL: Can I just follow up that point. Is this
7 a usual happening in London, Mr Boutcher, that you have
8 an address; you don't, because of the varied buildings
9 in London, know what it is? Is it unusual or usual to
10 discover during the course of an operation that it's not
11 a single dwelling but premises of multiple occupancy?
- 12 A. Absolutely, sir, and that happened frequently in the
13 investigation subsequently.
- 14 Q. So this wasn't a surprise --
- 15 A. No, sir.
- 16 Q. -- to you?
- 17 A. It's inevitable within London.
- 18 Q. I am going to come to what happened on the 22nd in
19 a moment, but you were asked about Operation CATTO?
- 20 A. Yes, sir.
- 21 Q. This was carried out on 15 July?
- 22 A. That's correct, sir, yes.
- 23 Q. At your instigation?
- 24 A. I convened the stakeholders, yes, sir, to rehearse what
25 we could do in the event of running an operation, and it

1 was in the background we had had the 3000 operations
2 room that we had used during and post the 7/7 incident.

3 So it was just to make sure that we could learn and
4 identify anything to improve our performance.

5 Q. There is an element of damned if you do and damned if
6 you don't, Mr Boutcher, about this, but were you
7 determined to ensure that the Metropolitan Police
8 Service was best equipped and best able in the future to
9 deal with operations of this type?

10 A. Yes, sir, and I have remained so.

11 Q. The events over these two days: there has been
12 a suggestion that the police were lamentably slow in
13 obtaining the gym card from the rucksack, and then
14 everything that followed from it, Mr Boutcher.

15 A. Yes, sir.

16 Q. I want to ask you about that in a little detail, bearing
17 in mind the questions that you were asked yesterday and
18 the criticisms that were made against the police
19 officers for what was suggested as being an unreasonable
20 delay. First this: is it sensible for police officers
21 to interfere immediately with what was in fact a bomb.

22 A. Obviously not, sir, no.

23 Q. The scene has to be cleared before police officers can
24 go through the painstaking system of seizing and
25 packaging exhibits?

- 1 A. There is a period where we have to wait until the scene
2 is effectively made safe, sir, yes.
- 3 Q. Once the scene has been made safe, is it sensible for
4 police officers to examine exhibits before the scene is
5 photographed?
- 6 A. No, sir.
- 7 Q. If the scene is not photographed before exhibits are
8 seized, no doubt at some future stage a barrister or
9 barristers are going to suggest that the scene was not
10 as described by police officers and no doubt make
11 allegations of plant and interference?
- 12 A. Potentially, sir, yes.
- 13 Q. And contamination, which is an issue in almost every
14 case in which important incriminating exhibits are
15 found?
- 16 A. Or simply that police are inaccurate in their
17 recollection of the scenes.
- 18 Q. I want to ask you about, because you didn't tell the
19 jury yesterday, Mr Boutcher, what in fact happened at
20 Shepherd's Bush Underground station. And it's
21 important. I am going to take these details from the
22 statement of one of the police officers that was at the
23 scene.
- 24 A. Yes, sir.
- 25 Q. An explosives officer examined the rucksack, and I think

- 1 it involved at times x-raying --
- 2 A. Yes, sir, it would have done.
- 3 Q. -- items. So that itself is a very slow process?
- 4 A. Yes, sir.
- 5 Q. An explosives officer examined the scene and handed
- 6 control of it, declared that it was safe, at 3.08 that
- 7 afternoon. As police officers were preparing then to
- 8 enter the scene, they were informed that the search
- 9 could not begin until scientists from Porton Down --
- 10 A. Yes, sir.
- 11 Q. -- went to the scene. And the reason for that,
- 12 Mr Boutcher?
- 13 A. There were some concerns at the time that this may be --
- 14 not have been a conventional attack. There may have
- 15 been more sinister chemical or biological implications
- 16 with regards to the devices.
- 17 Q. Chemical, radiological?
- 18 A. Yes, sir.
- 19 Q. Scientists from Porton Down conducted tests and
- 20 arrangements were made at about 8.50 to have the scene
- 21 photographed?
- 22 A. Sir.
- 23 Q. So that would indicate that they were at the scene for
- 24 something like three hours?
- 25 A. Yes, sir.

- 1 Q. The photography was not completed until 1.15?
- 2 A. In the morning, sir?
- 3 Q. In the morning.
- 4 A. Yes, sir.
- 5 Q. Officers examined the rucksack from about 1.30 in the
6 morning?
- 7 A. Sir.
- 8 Q. So very soon after the photography had been completed.
9 It's at that stage that the South Bank card was found?
- 10 A. Yes, sir.
- 11 Q. So that the jury understand, this isn't a process that
12 is rapidly followed; exhibits have to be dealt with in
13 a particularly careful manner?
- 14 A. They do, sir, for the collection of evidence that in the
15 future is critically important to us and identify and
16 capture forensically potentially those responsible.
- 17 Q. DNA, fingerprints?
- 18 A. Exactly, sir, yes.
- 19 Q. In fact as this process was being undertaken, the device
20 was smoking and setting off gas, and the police officers
21 had to leave?
- 22 A. In a number of the scenes, the volatility of the
23 material, the explosive mix, kept re-enacting, so there
24 was a risk throughout this process at each of the scenes
25 whilst the devices and the bags were being searched,

- 1 yes.
- 2 Q. Before they had to leave, at least the gym card and some
3 other exhibits had been taken?
- 4 A. That's correct, sir, yes.
- 5 Q. At 3 o'clock that morning, police officers were outside
6 the South Bank club, gym in Wandsworth Road, by which
7 time they had identified and located the key holder for
8 those premises?
- 9 A. They had, sir, yes.
- 10 Q. They entered the gym at about 3 o'clock, and as the jury
11 heard yesterday, it wasn't the gym card that contained
12 the address, it was records at the gym?
- 13 A. It was, sir, yes.
- 14 Q. Now, is that, in your opinion and experience,
15 Mr Boutcher, a lamentably slow approach to the finding
16 of exhibits?
- 17 A. Absolutely not, sir, and it exemplifies the challenges
18 and safety implications, and I would just like to add
19 that the officers conducting that process, our forensic
20 management team, are outstanding and they had been
21 responsible for all of the activity at the 7/7 scenes,
22 so were focused on anything in those bags that could
23 assist us in identifying those responsible.
- 24 Q. Moving forward --
- 25 SIR MICHAEL WRIGHT: Are you moving away from that topic?

1 MR HORWELL: I am moving from that topic.

2 SIR MICHAEL WRIGHT: I just want to catch up with a couple
3 of questions.

4 MR HORWELL: Yes, of course.

5 SIR MICHAEL WRIGHT: Going back for a moment to the setting
6 of the surveillance at Scotia Road.

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: When Mr McDowall set out his strategy
9 for Scotia Road, when it first became known.

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: Were you aware, as he told us, that he
12 had at any rate originally set the strategy on the
13 assumption that Scotia Road was a single dwelling?

14 A. I wasn't there at the time of the setting of the
15 strategy, sir, so I couldn't say.

16 SIR MICHAEL WRIGHT: But certainly when you took over, would
17 it have made any difference?

18 A. No, sir.

19 SIR MICHAEL WRIGHT: The second point, which -- I just want
20 to ask you who is responsible, and we will save this up
21 for the witness. Once the surveillance team arrived,
22 the red surveillance team were the first ones to arrive.

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: They had with them a surveillance van
25 with a camera in it.

1 A. Right, sir.

2 SIR MICHAEL WRIGHT: Who would decide where and how that van
3 would be located?

4 A. That would be the surveillance team, sir, because they
5 are out there on the ground, they are very appreciative
6 then of where the best place to put that van is to get
7 a view of the door. So it's the decision made normally
8 between the officers and the team leader, I would
9 suggest.

10 SIR MICHAEL WRIGHT: It's a team decision with the leader
11 responsible?

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: I merely, so that you will know what
14 I am asking about, the inquiry is whether or not it
15 would not have been better for the van to be parked
16 immediately opposite the communal door. I don't expect
17 you to answer that, Mr Boutcher; we will leave it for
18 the team leader when we see him.

19 A. Sir.

20 SIR MICHAEL WRIGHT: Could somebody bear that in mind?
21 Thank you.

22 MR HORWELL: Mr Boutcher, these are extremely experienced
23 police officers that were making decisions on the ground
24 --

25 A. Yes, sir.

- 1 Q. -- as to where best to place, for example, the van?
- 2 A. Indeed, sir, yes.
- 3 Q. Can I come next, please, to Mr Dingemans? You were
4 criticised yesterday for not knowing where he was, and
5 Mr Mansfield said that he was nowhere near the bus at
6 the time he was called to effect the stop?
- 7 A. Sir.
- 8 Q. I want to examine, please, the facts so that we get the
9 full picture. Mr Dingemans was at Nightingale Lane,
10 where the briefings were taking place --
- 11 A. Yes, sir.
- 12 Q. -- for Scotia Road. We will hear from Mr Dingemans
13 that, as he was waiting to leave Nightingale Lane, he
14 received the call to go to the bus?
- 15 A. Yes, sir.
- 16 Q. He left Nightingale Lane in an unmarked car. He
17 travelled using the two tones, the blue light and the
18 flashing headlights, and at the time he received the
19 instruction not to intervene --
- 20 A. Yes, sir.
- 21 Q. -- he was in fact behind the bus.
- 22 A. Right.
- 23 Q. Is that --
- 24 SIR MICHAEL WRIGHT: You mean immediately behind the bus?
- 25 MR HORWELL: I'll read exactly from his statement. We will

1 hear from Mr Dingemans in due course. When the
2 instruction came through not to undertake the stop, his
3 statement reads:

4 "At this stage we were behind the bus."

5 Obviously Mr Dingemans will fill in the details.

6 Is that how operations of this type are conducted?

7 A. That's exactly what I would have expected, sir.

8 Q. You would have expected Mr Dingemans to be near --

9 A. Yes, sir.

10 Q. -- to the relevant area. The reason why, as the jury
11 would have seen last week on the view, the reason why
12 Nightingale Lane was chosen for the briefings is that it
13 was the closest police building to Scotia Road?

14 A. It's a very suitable location for that area, sir.

15 Q. So everyone is moving towards the area, and the
16 briefings were conducted at Nightingale Lane for that
17 very obvious reason?

18 A. Very sensible reason, sir.

19 Q. A few questions as to detail, if I may Mr Boutcher. The
20 surveillance running log, was it in fact being shown on
21 the screen at the time that Mr de Menezes was being
22 followed?

23 A. I don't recall that. I was simply speaking to Pat
24 directly.

25 Q. If we could look, please, first of all at documents

- 1 page -- if this could come up on the screen, please --
2 447. You were shown this yesterday.
- 3 A. I was, sir, yes.
- 4 Q. We can see obviously the brevity of the entries?
- 5 A. Indeed.
- 6 Q. If we could go over to the next page, 448, again these
7 are the relevant times and again we can see the brevity
8 of the entries?
- 9 A. Yes, sir.
- 10 Q. Are those entries complete in the sense that they show
11 and record everything that Pat was saying?
- 12 A. Most definitely not, sir, no.
- 13 Q. So what were you concentrating upon, the log or what Pat
14 was saying?
- 15 A. Quite rightly and sensibly, sir, I was simply
16 concentrating on what Pat was telling me.
- 17 Q. Another issue, a matter of detail: Ragstone photographs
18 have appeared; the topic of them has appeared in the
19 course of this inquest. We will discover that they were
20 first requested at 11.40 am that morning, the 22nd?
- 21 A. There is an action recorded for that time, sir.
- 22 Q. Therefore, in response to the issue that has been
23 raised, were you aware, had you seen those photographs
24 at the time Mr de Menezes was shot?
- 25 A. No, sir.

- 1 Q. Had anyone seen them?
- 2 A. No, sir. Nobody accessed the disks. The photographs
3 hadn't been produced from the disks for those exhibits,
4 at that time, and they were first opened after 11.40 in
5 the morning on the 22nd.
- 6 Q. Indeed, was there any intelligence of which you were
7 aware that Osman by this time had in fact been
8 identified as one of those present at
9 Operation Ragstone?
- 10 A. Absolutely not, sir, no.
- 11 Q. CCTV film of the 21 July bombers. As we heard
12 yesterday, it reveals that they entered the Underground
13 system at Stockwell?
- 14 A. Yes, sir.
- 15 Q. Is there any evidence from that film as to whether or
16 not these bombers were surveillance aware?
- 17 A. From the way in which they walk to the Underground
18 station, they walk separately. From recollection,
19 I have not seen it for a while, two on one side of the
20 road and one on the other. It's something we have seen
21 previously with regards to ensuring that they are not
22 associated with each other, and it's typical tradecraft
23 with regards to being operationally aware as terrorists
24 or as criminals, when you are active, you are conducting
25 part of your conspiracy. So from the very nature in

1 which they entered, having looked at it on reflection,
2 it appears they were deliberately staying separate from
3 each other.

4 Q. Was that something of which you were aware in the early
5 hours of this morning, before Mr de Menezes had been
6 shot?

7 A. Yes.

8 Q. Was that a factor that you considered in the
9 implementation of McDowall's strategy?

10 A. I was very aware of it, yes, sir.

11 Q. Tactical firearms document. You have seen that?

12 A. I have, yes.

13 Q. Andrew described it when he gave evidence as in fact
14 containing nothing new?

15 A. Indeed.

16 Q. For an officer of your experience, Mr Boutcher, those
17 options at paragraph 10 that we saw yesterday, anything
18 new in that as far as you were concerned?

19 SIR MICHAEL WRIGHT: Do you want to bring it up?

20 MR HORWELL: I will happily do so.

21 SIR MICHAEL WRIGHT: Just so the jury have it in mind.

22 MR HORWELL: It's at tab 42 in the jury bundle. We have it
23 on the screen. I am grateful. If we can go to the next
24 page, please.

25 SIR MICHAEL WRIGHT: There is eight of the nine options.

1 MR HORWELL: Yes.

2 Anything new in any of that to you, Mr Boutcher?

3 A. All standard options, sir, I am very aware of them all.

4 Q. I'm not seeking to criticise those that put this
5 document together, but you were criticised yesterday for
6 not paying sufficient attention to it. Do you accept
7 that criticism?

8 A. Absolutely not, sir, no.

9 Q. Thank you. Hollow point ammunition, as another topic
10 that has been raised. Mr Boutcher, if you don't know
11 the answer to this, please say so. Is in fact the case
12 that in July 2005 the Home Office neither approved nor
13 disapproved of the use of this ammunition?

14 A. I only subsequently established that, sir. At the time
15 I was informed it was an accredited and accepted
16 ammunition.

17 SIR MICHAEL WRIGHT: Sorry?

18 A. I was informed at the time, sir, that it was approved
19 ammunition for the Metropolitan Police Service.

20 MR HORWELL: Reference has been made to the fact that the
21 Home Office hadn't approved of the use of this
22 ammunition. Sinister suggestions, Mr Boutcher.

23 A. Yes, sir.

24 Q. Have you subsequently discovered that in fact at the
25 time the Home Office neither approved nor disapproved of

- 1 its use?
- 2 A. I have, sir.
- 3 Q. Obviously if the Home Office wished to stop police
4 forces using this ammunition, it could do so
5 immediately?
- 6 A. Absolutely, yes.
- 7 SIR MICHAEL WRIGHT: I think Mr Boutcher said yesterday that
8 it was left to the discretion of the individual chief
9 officer.
- 10 MR HORWELL: Yes, and simply so that we can take this
11 forward to the future and now the present, the Home
12 Office still today leaves its use to the discretion of
13 each police force?
- 14 A. Each chief officer is responsible for the type of
15 ammunition, sir. It's their responsibility. They make
16 the decisions that we use that type of ammunition and
17 that approval had been obtained.
- 18 Q. Thank you. In terms of your background, Mr Boutcher,
19 again to deal with this as briefly as we can, by
20 July 2005, how many armed operations had you been
21 involved in, at whatever level?
- 22 A. I am guessing well over 100, actually interventions or
23 armed operations on the ground, and numerous as
24 commander, sir.
- 25 Q. Did you believe that your experience made you qualified

1 and able to assist in this operation?

2 A. Yes.

3 Q. And lead it with Commander Dick?

4 A. Absolutely, yes.

5 Q. Have you in fact received commendations from judges at

6 the Old Bailey for those operations that you have led in

7 the past?

8 A. I have, yes, sir.

9 Q. How many?

10 A. At the Old Bailey, four, sir.

11 Q. You were asked yesterday what do you think went wrong.

12 Now, in terms of the command and support structures that

13 were in place that day, do you consider that there was

14 anything wrong in those?

15 A. No, sir.

16 Q. Now, obviously, Mr Boutcher, a dreadful mistake was

17 made?

18 A. Yes, it was.

19 Q. But from what you saw of this operation, did anyone

20 deliberately or recklessly put at risk the life of

21 anyone that morning?

22 A. No, absolutely not, sir, and I have had obviously the

23 opportunity -- as I am sure we all have involved,

24 surveillance, firearms, command and control, all the

25 operations room staff -- to reflect on it. And

1 I personally after the operation had finished, in the
2 days after 2 August, went to put some flowers at
3 Stockwell; because we all came to work to protect
4 London, everybody worked tirelessly, and I have said
5 these are new and unique threats that we now face.
6 There is nothing, everybody worked as best as they could
7 to ensure, whether surveillance or firearms or as I say
8 command and control, that we delivered a safe operation,
9 and that operation delivered the arrest of all of those
10 actually responsible for 21 July and those that
11 supported them.

12 They all did their best, and even on reflection now,
13 and we are a learning organisation, we are all seeking
14 to improve, I don't think there is anything that we did
15 then that now we would not have done. And it is
16 a tragic death for which we are all terribly sorry. But
17 I am responsible, I am the senior investigating officer
18 for this operation, and I appreciate we have a DSO role
19 and we have a Gold Commander. From the moment of
20 21 July until the final arrest and the closure of that
21 operation, I am the officer responsible for this
22 investigation and this operation.

23 Q. You were asked yesterday: could this happen again.

24 A. Sir.

25 Q. Is it your view that only a fool would say no?

- 1 A. It is, yes, sir.
- 2 Q. Because of the complexity of these operations?
- 3 A. Extremely challenging. It's human acts all done with
4 the very best interests by all the officers concerned,
5 but we are human beings, so I fear with whatever
6 challenges we face in the future, and we really -- we
7 try and predict them and we try and plan for them, and
8 we do that on a day-to-day basis, but inevitably we are
9 going to face more and difficult challenges in the
10 future. So things like this could happen.
- 11 Q. In the few days that we have been receiving evidence at
12 this inquest, we have heard of cancelled holidays,
13 limited sleep, the packing of two weeks' clothing to
14 enable a police officer to dedicate that period of time
15 in her life to this operation and nothing else?
- 16 A. Yes, sir.
- 17 Q. In terms of the care, dedication and professionalism,
18 was anything found wanting in your view of the police
19 officers who were responsible for this operation?
- 20 A. Absolutely not, sir. Everybody did their very best,
21 I have no doubt about that, from every officer involved
22 in the investigation.
- 23 Q. Now, I want to turn to the wider topic of the
24 investigation, and to ensure that we can do this as
25 quickly as possible, there are graphics prepared. They

1 are at the side of the court. Could we start, first,
2 please, with the maps brochure. Mr Southworth, if you
3 could locate them. There are slight amendments to
4 these. We need to distribute these not only to the
5 jury, the Coroner and the witness but also one to each
6 team, please. (Handed)

7 So maps brochure first, please.

8 SIR MICHAEL WRIGHT: Are they all in one bundle?

9 MR HORWELL: There are two. That's why we are starting with
10 maps brochure first, please. (Pause)

11 Now, the purpose of these bundles is, I can assure
12 everyone, to save time rather than to take -- they
13 contain a lot of information. Can we start, first, at
14 page 1. Page numbers bottom right-hand corner. This
15 sets out the relevant details from 7 July.

16 The four scenes of attack, they are numbered in
17 chronological order. Scene number 1, Aldgate station,
18 time of explosion, 8.51 in the morning, eight dead, 205
19 injured. That bomber entered the Underground system at
20 King's Cross.

21 A. Yes, sir.

22 Q. Scene number 2, at King's Cross, 8.56 that morning, 27
23 dead, 451 wounded. That bomber, Lindsay, again entered
24 the Underground system through the same station,
25 King's Cross?

- 1 A. They did, yes.
- 2 Q. That was the worst of these dreadful events. 27 people
3 died. The stakes were very high, would you not agree,
4 Mr Boutcher, on 22 July when you sought to hunt down the
5 men that were seeking to repeat this level of carnage?
- 6 A. Yes, sir, they were.
- 7 Q. Scene number 3, Edgware Road station, 9.17, seven dead,
8 189 injured. That bomber also entered the Underground
9 system at the same station, King's Cross?
- 10 A. He did, sir, yes.
- 11 Q. Then finally, scene 4, 9.47, number 30 bus,
12 Tavistock Square, 14 fatalities, 132 injured?
- 13 A. Yes.
- 14 Q. Now, that's the investigation that you led from 7 July.
15 Let us turn to page 2, the events of the 21st. Again,
16 they are arranged in chronological order. Scene 1, time
17 of attempted explosion, 12.36 at Oval. That bomber had
18 entered the Underground system at Stockwell, as we have
19 already heard from you?
- 20 A. He had, yes.
- 21 Q. Scene number 2, Warren Street, 12.45. Yassin Omar, not
22 our Mr Omar from the gym club?
- 23 A. No, not at all, different man, sir.
- 24 Q. Yassin Omar at Warren Street entered the system at
25 Stockwell?

- 1 A. He did.
- 2 Q. Scene 3, Shepherd's Bush station, Hussain Osman, the man
3 that you were hunting?
- 4 A. Yes.
- 5 Q. 12.50. This informs us he entered the system at
6 Westbourne Park?
- 7 A. That's correct, yes, not Stockwell.
- 8 Q. Scene 4, number 26 bus at Hackney Road, 13.11, and he
9 entered the public transport system at Stockwell?
- 10 A. Yes, that's correct.
- 11 Q. So that's three out of the four?
- 12 A. Yes.
- 13 Q. We have heard of a bomb that was discovered near
14 Wormwood Scrubs, and that we see at the top left-hand
15 corner of this page, and we have highlighted it in
16 yellow so that no one mistakenly believes that this was
17 a consideration that you had on the 22nd?
- 18 A. That's correct.
- 19 Q. Because the bomb, as we can see, was not discovered
20 until 10.30 on the morning of the 23rd?
- 21 A. That's correct, yes.
- 22 Q. Page 3, this sets out a number of the relevant locations
23 in London, and the point that we were dealing with
24 a little while ago, Mr Boutcher, C019 being moved south
25 for their briefing to Nightingale Lane, that location

- 1 chosen because of its proximity to Scotia Road?
- 2 A. That's correct, yes.
- 3 Q. If we can move to page 4, there is a lot of information
- 4 on this page, but we can see from the title "Principal
- 5 Intelligence Known Prior to 22 July at 9.34"?
- 6 A. That's correct, yes.
- 7 Q. If we start just to the right of the centre with the gym
- 8 club card which is photographed on this page, if we
- 9 follow the various arrows from it, it was found in the
- 10 rucksack at Shepherd's Bush as we now know?
- 11 A. That's correct, yes.
- 12 Q. If we go to the arrow to the left, it was in the name of
- 13 Hussain Osman, one of the bombers?
- 14 A. That's correct, yes.
- 15 Q. This is Nettle Tip?
- 16 A. Indeed, yes.
- 17 Q. He in fact joined the club in December 2003?
- 18 A. That's correct, yes.
- 19 Q. If we follow the arrow from his head upwards, that is
- 20 the telephone number that he gave to the gym?
- 21 A. It was, yes.
- 22 Q. The mobile telephone number?
- 23 A. That ends 308, yes.
- 24 Q. Thank you. That number, that phone, was taken out by
- 25 Osman giving his address as 154 Mitcham Lane?

- 1 A. It was, and there was actually additional information
2 that morning suggesting he might reside at Mitcham Lane,
3 on the morning of the 22nd.
- 4 Q. We can now see that the card in the name of Osman is
5 linked to that number which takes the police to that
6 address?
- 7 A. Yes.
- 8 Q. If we go back to the card and move upwards, we can see
9 that another document that was torn was also found in
10 the rucksack at Shepherd's Bush. If we strain our eyes,
11 we can just see in the photograph of the document,
12 "attendance arrangements"?
- 13 A. That's correct.
- 14 Q. This is connected to a jobseekers' allowance at
15 Stockwell DHSS?
- 16 A. That's right, sir, yes.
- 17 Q. That was in the name of Elias Girma Eyassu?
- 18 A. Yes.
- 19 Q. This is Rapid Speed?
- 20 A. It is, that's correct.
- 21 Q. He is linked to Operation Anomalous, and the latest DSS
22 address that you had for him was 60 Corfe House?
- 23 A. Dorset Road, yes, that's correct.
- 24 Q. So that is that particular link. If we go back to the
25 card, and this time go to the right of it --

1 SIR MICHAEL WRIGHT: Sorry, Mr Horwell, what's the
2 significance of the 7 and the clock at
3 Operation Anomalous?

4 MR HORWELL: That is simply a picture that is used, is that
5 right? It's not meant to indicate anything?

6 A. I don't believe so, no, sir.

7 MR HORWELL: It's simply a computer device which I would
8 accept is not helpful.

9 SIR MICHAEL WRIGHT: I just wondered what it meant, that's
10 all.

11 MR HORWELL: It is there.

12 If we go back to the card we can see to the right of
13 it that the address that Osman and in fact Omar had
14 given the gym was Scotia Road, and Scotia Road was the
15 address at which the Primera had been registered in the
16 name of Omar from March 2004 to October 2004. In other
17 words, during the period of Operation Ragstone?

18 A. That's it, yes, sir.

19 Q. That is why you said earlier this morning that, although
20 of course the Primera was of interest outside
21 Scotia Road, at the time it wasn't in fact registered to
22 that address?

23 A. It wasn't, sir, no.

24 Q. We will be coming back to the Primera in a moment. Back
25 to the card. This time, if we go downwards,

- 1 Abdi Samad Omar, the other name linked to this
2 membership, Regal Wave, and in fact was not one of the
3 bombers and neither was he connected --
- 4 A. That's correct, not one of the bombers or connected.
- 5 Q. -- to the bombings. He joined the club in June of 2005.
6 If we follow the various arrows from the name of Omar,
7 we can see to the right that his driving licence was
8 registered at Flat 16, Bodmin, Furtheracre?
- 9 A. Yes.
- 10 Q. It was believed at the time that he matched the
11 description of the bomber at Warren Street?
- 12 A. It was, yes.
- 13 Q. But of course could not have been?
- 14 A. No, absolutely not.
- 15 Q. We have a mobile phone linked to him. He is down here
16 as an insurance policyholder on the same black Nissan
17 Primera?
- 18 A. Yes, that morning we established that he was the main
19 insurance name on the policy for that vehicle, but the
20 vehicle on that morning was registered to the address at
21 61A Portnall Road.
- 22 Q. As we can see from this graphic, in the name of
23 Aziza Hassan?
- 24 A. Yes, sir.
- 25 Q. So that's the link to Portnall Road. If we go back to

1 this reference on the page, to the Primera, in other
2 words just up from Portnall Road, follow the arrow
3 upwards, the Primera was seen during the course of
4 Operation Ragstone?

5 A. It was.

6 Q. At what was thought to be a training camp in May 2004.
7 If we go to the left, we can see that a blue Golf had
8 also been seen during that same operation?

9 A. It had, yes.

10 Q. And that Golf was registered to Yeshiembet Girma?

11 A. Indeed.

12 Q. At 40 Blair House.

13 A. It was, and if I could just explain, when we have the
14 name Abdi Samad Omar from the gym club, we are searching
15 all of our various databases which identified that
16 Mr Omar was linked to Operation Ragstone. By then we
17 have also found the jobseekers' allowance in the name of
18 Mr Girma in the bag and when we look at Ragstone, we see
19 that a vehicle registered to a Girma is also linked to
20 that operation. So that is why that particular car
21 registration became relevant at that time, when in fact
22 it turned out that in fact Yeshiembet Girma is married
23 to Hussain Osman, which we didn't realise at that stage.

24 Q. Having told us that you were always of the view that it
25 would be intelligence that would lead this operation, by

- 1 the early morning of the 22nd, that is the principal
2 intelligence that you have put together?
- 3 A. That's the principal intelligence, sir. I have to just
4 add that there is an enormous amount of activity and
5 phone data and other addresses linked to these people,
6 already being identified in the background to this. But
7 this is, if you like, that priority that people used the
8 word, this is the priority that we had at the time. But
9 there is an enormous amount of background work been
10 identified even by 9.34.
- 11 Q. If we turn to the next page, page 5, we can see those
12 six addresses set out. Bodmin Furtheracre,
13 Portnall Road, Corfe House, Blair House, Scotia Road and
14 Mitcham Lane. All of these addresses of interest to you
15 by 9.30 that morning?
- 16 A. Yes.
- 17 Q. If anyone were to look at this as being a one address
18 case by 9.30 that morning, would they be grossly wrong,
19 Mr Boutcher?
- 20 A. Grossly wrong and that would be unfair, sir.
- 21 Q. Page 6, we can take very quickly, those are photographs
22 of the six addresses that you were interested in. We
23 can go straightaway to page 7, please. Reference has
24 been made, and criticism has been made as to why bus
25 routes were not stopped?

- 1 A. Yes.
- 2 Q. As the jury will have seen from the view last week,
3 there are two bus stops very close to Scotia Road and
4 Marnfield Crescent, and they are for bus route 201?
- 5 A. That's correct, yes.
- 6 Q. As we can see from the plan, Herne Hill the north stop,
7 Morden the south stop?
- 8 A. Yes.
- 9 Q. For route 201. If we follow the plan to the right, we
10 can see that there is a further 201 stop?
- 11 A. Yes.
- 12 Q. Then in Tulse Hill itself, the major road, we have two
13 stops; the stop that Mr de Menezes went to, we can see
14 there are bus routes number 2 -- that's the bus that he
15 got on of course -- 415, 432, 689, and the night bus we
16 can leave out for these purposes. The bus stop on the
17 other side of Tulse Hill, same routes, obviously but
18 travelling in a different direction?
- 19 A. In the other direction, yes, that's correct.
- 20 Q. On the issue of stopping buses or stopping bus routes in
21 London at this time, if we turn to page 8, we can see
22 how many bus stops there are in fact around Scotia Road.
23 If Mr de Menezes was to take a bus, suspecting that he
24 might have been a bomber, Mr Boutcher, you would have
25 had absolutely no idea whatsoever which stop he would

1 have gone to?

2 A. No, I would just like to add the point as well, sir,
3 with regards to 7/7 and the Tavistock Square bus bomber,
4 Asif Hussain(?), he travelled down from Beeston in Leeds
5 and went into the Underground and then came up and got a
6 diverted bus, rather ironically, that he then committed
7 his atrocity. And when you look at the bus bombing in
8 Hackney on the 21st, Muktar Ibrahim has gone into the
9 Underground station and travelled on the Underground.
10 Neither of those individuals, depending on people's
11 rationale about bus stops, have gone out of their front
12 doors and gone on to a bus to commit a bomb attack,
13 which is I think an issue to consider. But you can see
14 from that picture that to actually divert and stop those
15 buses and considering the numbers of addresses we have
16 as well, would have brought London into chaos and it
17 would have identified what we were doing and where we
18 were doing it.

19 Q. So that we can take this further, bus stops obviously
20 through the London Transport or the Underground logo,
21 the circle with the line through it, also on this plan,
22 strangely enough indicated by what appear to be Roman
23 columns, setting out the schools in the area?

24 A. Yes, sir.

25 Q. Mr Boutcher, just to deal with this quickly, this was

- 1 still term time?
- 2 A. It was, yes.
- 3 Q. If buses are stopped, children are going to be on the
4 streets, walking to school rather than taking buses to
5 school?
- 6 A. They are.
- 7 Q. Was that something that was considered?
- 8 A. It's something that we certainly wouldn't have wanted.
- 9 Q. No. Well, having seen how this series of pages has been
10 put together, page 8 is Scotia Road, and simply to
11 emphasise the point that you have just made,
12 Mr Boutcher, as to what would have happened if you had
13 stopped buses at each, by then, relevant address, we can
14 see page 9, Blair House, the stops and the schools near
15 to that. If I can take this quickly, please, we can
16 always return to this later. Page 10, the stops and
17 schools around Corfe House; page 11, the stops and
18 schools around Portnall Road; page 12, stops and schools
19 around Mitcham Lane; and 13, the same for Bodmin
20 Furtheracre.
- 21 A. Yes.
- 22 Q. If you turn next to 14, please, this is actual
23 photographic evidence as to where the Primera was parked
24 on the 22nd?
- 25 A. That's right, yes.

- 1 Q. We can see bottom right is a photograph of the car
2 actually at Scotia Road; yes?
- 3 A. It is, that's correct, yes.
- 4 Q. The photograph at the left, the white van in that
5 photograph indicates the position in which the Primera
6 had been parked; is that right?
- 7 A. That's correct.
- 8 Q. Obviously a photograph taken later?
- 9 A. Afterwards, yes, sir.
- 10 Q. At the top of the page, plan and aerial photograph that
11 speak for themselves.
- 12 You had formed the view that the intelligence that
13 you would gather in the course of this operation would
14 lead you to many more addresses?
- 15 A. Yes.
- 16 Q. In the course of the next few pages, and again we will
17 take this relatively quickly, Mr Boutcher, we have set
18 out, and to make this clear, by no means every address
19 that featured in this investigation; is that right?
- 20 A. That's right, sir, yes, not every address at all.
- 21 Q. There would be more?
- 22 A. There are.
- 23 Q. But these are the addresses that emerged over the
24 following days and there is a colour key system, if we
25 look at the bottom of page 15, starting from left to

- 1 right, light blue indicates addresses known on the 22nd,
2 yellow 23rd, red 24th and so on?
- 3 A. That's correct, yes.
- 4 Q. These were the addresses with the details given on this
5 page, as to when and why they became of interest to you?
- 6 A. That's right, yes.
- 7 Q. That's in the area around London. Page 16, the
8 addresses that featured in Central London and, just to
9 pick out two so that we can --
- 10 A. North London on 16, sir.
- 11 Q. Yes, thank you. So that we can see how this is put
12 together, if we look at the bottom left-hand corner,
13 flat 14, block K, Peabody Estate. If everybody can find
14 that. Dalgarno Gardens in Kensington?
- 15 A. Yes.
- 16 Q. The home address of one of the bombers, Ramzi Mohammed?
- 17 A. Yes.
- 18 Q. And Dalgarno Gardens featured largely in this
19 investigation; is that right?
- 20 A. Yes, that's correct.
- 21 Q. 221 exhibits seized from that address.
- 22 Simply again as a means of understanding the format
23 of this page, if we go to the top right-hand corner
24 there are five boxes. If we go to the middle light blue
25 box, 58 Curtis House?

- 1 A. Yes, sir.
- 2 Q. Home address of Yassin Omar. As this box informs us,
3 that was in fact, and we will see more evidence of this
4 in a moment, the bomb factory?
- 5 A. It was the bomb factory for the attacks of 21 July.
- 6 Q. With 987 exhibits seized?
- 7 A. Yes, it was.
- 8 Q. If we go to page 17 --
- 9 A. Just on that last one, though, sir, just to reiterate
10 the point, if you look at the entry below
11 58 Curtis House is 65 Curtis, and we actually arrested
12 and prosecuted an individual from that address who had
13 assisted the bombers, to show the correlation and the
14 emerging picture of how people were living, flats
15 associated to, people we were interested in, and the
16 caution we need to take.
- 17 Q. Thank you. Page 17, South London. We can see on this
18 page at the bottom, Mitcham Lane, one of the six
19 addresses?
- 20 A. Yes, sir.
- 21 Q. Above that Scotia Road, and we can also see Blair House,
22 further up the page also on the right?
- 23 A. That's right, yes.
- 24 Q. And other addresses that featured in the course of this
25 investigation?

- 1 A. They were significant addresses during the
2 investigation, yes.
- 3 Q. And that, you have spelt this out already, Mr Boutcher,
4 that is why you say there is great need for flexibility
5 in an investigation of this type?
- 6 A. These addresses represent surveillance coverage,
7 firearms coverage, throughout this period.
- 8 Q. Page 18. Pages 18 to 20, do they set out the number of
9 people arrested in the course of this investigation?
- 10 A. They do, that's correct.
- 11 Q. Again to emphasise what is perhaps an obvious point, it
12 is not everybody who is arrested in a police
13 investigation who is prosecuted?
- 14 A. That's correct, as is reflected in the document, yes.
- 15 Q. A number of these people arrested were not prosecuted?
- 16 A. That's correct, yes.
- 17 Q. The idea that you have to be certain of someone's
18 criminality before you arrest them is nonsense,
19 Mr Boutcher?
- 20 A. It is, and in this obviously case, the overriding
21 responsibility that we have as set out by Mr McDowall is
22 public safety.
- 23 Q. Well, again, perhaps if we do not go through this in
24 detail, it simply sets out, and we can always return to
25 it later if necessary, those arrested, the dates of

- 1 arrest, where they were arrested, and the result. If we
2 simply, for an example, top of page 18, "released NFA",
3 that is no further action?
- 4 A. No further action, that's correct.
- 5 Q. So that indicates those persons arrested who were not
6 prosecuted, and where the details emerge on this page,
7 that indicates people were prosecuted?
- 8 A. It does, yes, that's correct.
- 9 Q. Page 21, please. Do these series of pages set out what
10 happened much later, four trials in fact were conducted?
- 11 A. That's right, yes, sir.
- 12 Q. Trial number 1, page 21, indicates the five bombers, as
13 we know now, for 21 July and one other?
- 14 A. Indeed, yes.
- 15 Q. And the reason why the one other was tried with the
16 bombers?
- 17 A. He had been involved in the preparation of the
18 activities, sir.
- 19 Q. And that was?
- 20 A. Sorry, for the devices for 21 July.
- 21 Q. Which one?
- 22 A. Sorry, that's Yahya Adel.
- 23 Q. At the bottom of the page?
- 24 A. Yes, it is.
- 25 Q. That was the first and principal trial. We can see

- 1 again, I hope no-one minds if I take the detail quickly,
2 that in the main these men were charged with and
3 convicted of conspiracy to murder?
- 4 A. They were indeed.
- 5 Q. The results are set out on this page in each case, with
6 day of arrest, place of arrest, and again something we
7 have heard, Hussain Osman, the third name on this page,
8 arrested in Rome?
- 9 A. He was, yes.
- 10 Q. The others were arrested in England?
- 11 A. Yes, and that's as a result of the information that we
12 provided to the Italian authorities.
- 13 Q. Page 22, this is the second trial, we now move to the
14 assistants?
- 15 A. We do.
- 16 Q. Or those that withheld information about acts of
17 terrorism.
- 18 A. That's right, yes.
- 19 Q. We can see that five people were prosecuted in this
20 trial, and each of them was convicted of offences either
21 of assisting or withholding information?
- 22 A. These represent the emerging intelligence to people who
23 were providing the main subjects with passports, money,
24 shelter, and generally escape routes from the scenes on
25 the 21st.

- 1 Q. Page 23, trial number three, six people prosecuted. The
2 boxes are left blank in the case of those who were
3 acquitted?
- 4 A. That's correct, yes.
- 5 Q. But four of those were convicted of either assisting or
6 withholding information?
- 7 A. Yes.
- 8 Q. And the results again set out. Finally in terms of
9 trials, page 24 --
- 10 A. Yes.
- 11 Q. -- fourth and last trial, this defendant pleaded guilty
12 to assisting an offender?
- 13 A. Yes, she assisted Yassin Omar wearing a burka and having
14 the appearance of a lady going up to Birmingham, sir,
15 yes.
- 16 Q. That was one of the bombers who disguised himself by
17 wearing a female burka?
- 18 A. Yes.
- 19 Q. Page 25, can we turn to. This is the last series of
20 pages in this document, and again I hope everyone will
21 forgive me if I take this as quickly as one can.
22 An issue has already been raised as to whether or not
23 these bombers or any one of them went back to
24 Scotia Road that night?
- 25 A. Mm.

- 1 Q. Does all of the evidence and intelligence indicate that
2 no-one did?
- 3 A. Scotia Road wasn't relevant to the enquiry subsequently,
4 sir, yes.
- 5 Q. As we know when Scotia Road was eventually entered by
6 police, it was empty?
- 7 A. Yes.
- 8 Q. It is possible to plot the locations of individuals
9 through the use of their mobile phones, is that right?
- 10 A. It is, sir.
- 11 Q. All over London are many, and of course any other urban
12 area, many cell sites that pick up the phone when it is
13 being used?
- 14 A. There are.
- 15 Q. Police officers after the event can go back, obtain the
16 relevant information, and discover where phones were
17 when they were being used?
- 18 A. After the event, sir.
- 19 Q. Yes, and that is known as cell site information?
- 20 A. Yes.
- 21 Q. What has been set out on this page is the evidence that
22 police officers obtained after these events relating to
23 the phones indicating where they were used?
- 24 A. That's correct, yes.
- 25 Q. Does all of this evidence, not only cell site evidence

1 but other evidence that was obtained, indicate that the
2 bombers went to locations other than Scotia Road?

3 A. That's correct, yes.

4 Q. Page 25 sets out the evidence that was obtained in
5 relation to Muktar Ibrahim.

6 No evidence in fact as to where he was on the 22nd?

7 A. No, we did arrest him in Dalgarno Gardens.

8 Q. That's the address we looked at earlier?

9 A. Yes.

10 Q. Arrest as, as we can see at the bottom of the page,
11 Delgano Gardens on the 29th.

12 Page 29, Asiedu, the Wormwood Scrubs bomber?

13 A. This is the gentleman who actually adopted another
14 identity. Manfo Asiedu is an identity that he took on.

15 Q. That is why you have to be careful about documents found
16 on any person. Does this evidence, to summarise it,
17 indicate that on 21 July, we can see at the very bottom
18 of the page, at 21.11 to 21.48, cell site evidence
19 indicated once you had obtained it that he had been in
20 the area of Curtis House?

21 A. That's correct, yes.

22 Q. The bomb factory?

23 A. That's correct.

24 Q. Page 27, carrying on with Asiedu, again if we simply
25 look at one entry on this page for 22 July, the cell

1 site evidence that you obtained afterwards indicated he
2 had been in Curtis House?

3 A. That's accurate, yes, sir.

4 Q. Page 28, this is Osman, who we now know fled to Rome.
5 We have there the evidence of his movements. If we turn
6 to page 29, we can see that on the afternoon of the
7 21st, if we go halfway down page 29, on the afternoon of
8 the 21st we see Osman travels from London to Brighton,
9 if you can find that, please, on page 29.

10 Does the evidence suggest that Osman went to
11 Brighton?

12 A. That's correct, yes, sir.

13 Q. Then if we look at the details for 26 July on that same
14 page at the bottom, Osman at Waterloo International?

15 A. That's right, yes.

16 Q. And then to Rome?

17 A. Indeed.

18 SIR MICHAEL WRIGHT: As we are on the question of cell site
19 evidence, the question is: how do you know -- you
20 obviously know the number of the phone that is being
21 used; how do you know who owns it? You ask Vodafone,
22 don't you?

23 A. There are a number of techniques we use, sir, but I
24 don't want to go into too much detail about some of the

25 --

- 1 SIR MICHAEL WRIGHT: You have access, of course, to the
2 records of the mobile phone companies?
- 3 A. You have, if you like, the records of who the registered
4 keepers are, but there are a number of other techniques
5 to establish who is using the phone.
- 6 SIR MICHAEL WRIGHT: There you are, that's stage 1, but
7 maybe stages 2, 3 and 4 are not to be talked about.
- 8 MR HORWELL: At page 30, Yassin Omar. If we look on page 30
9 to the section for 22 July, at 18.14, this is what you
10 have just referred to, Mr Boutcher, Omar in
11 Finchley Road dressed in black burka in the company of
12 a female.
- 13 A. That's right.
- 14 Q. Both walked to Golders Green. Coach leaves for
15 Birmingham. 21.15, we can see that Omar, still in his
16 burka, is now at Birmingham?
- 17 A. Yes.
- 18 Q. To follow this story through, the very bottom of the
19 page, 27 July, 05.20, Omar arrested at that address in
20 Birmingham?
- 21 A. We arrested him there at 63A Heybarnes Road, yes, sir.
- 22 Q. Finally, page 31, Ramzi Mohammed, there is a gap in this
23 case, but after the bombing we can see that on 29 July
24 he also was arrested at Delgano Gardens?
- 25 A. He was, yes.

1 Q. That completes that particular document.

2 SIR MICHAEL WRIGHT: Thank you. I don't know whether that's
3 a convenient moment.

4 MR HORWELL: It would be. I have very little to go but that
5 would be an opportune moment, thank you.

6 SIR MICHAEL WRIGHT: So the summary, really, Mr Boutcher, is
7 this: that all four bombers were arrested.

8 A. Yes, sir, they were, sir.

9 SIR MICHAEL WRIGHT: And convicted.

10 A. Yes.

11 SIR MICHAEL WRIGHT: Plus the fifth bomber, the one who
12 didn't go through with it.

13 A. That's correct, yes.

14 SIR MICHAEL WRIGHT: And at any rate, a large number of
15 their accessories, assisters and aiders.

16 A. Yes, that's correct, sir.

17 SIR MICHAEL WRIGHT: I don't suppose you can be sure that
18 you have them all but you have a lot.

19 A. Yes, there is 16 convictions.

20 SIR MICHAEL WRIGHT: 12.05.

21 MR HORWELL: Thank you.

22 (11.53 am)

23 (A short break)

24 (12.05 pm)

25 (In the presence of the jury)

1 SIR MICHAEL WRIGHT: Yes. The first question I know the
2 answer to, and I'll be corrected if I am wrong. The
3 question is: did Jean Charles re-enter the number 2 bus
4 at the same stop that he got off, at Brixton; and the
5 answer is yes, he did.

6 MR HORWELL: Yes.

7 SIR MICHAEL WRIGHT: Mr Boutcher, did you ever have sight of
8 Osman's wedding photographs, the ones that had been torn
9 up in the knapsack?

10 A. I didn't, sir, no.

11 SIR MICHAEL WRIGHT: Thank you. So you can't tell us what,
12 if any, part those photographs had in identifying --
13 well, in the mistaken identification of Jean Charles?

14 A. I don't believe they played any part, sir.

15 SIR MICHAEL WRIGHT: No. As far as the surveillance
16 officers were concerned, which photographs did they
17 have?

18 A. They had an image taken from the gym, of the gym card,
19 and they had the latest and there are copies available,
20 I believe, of the CCTV images for each of the sites,
21 from the CCTV --

22 SIR MICHAEL WRIGHT: Each of the --

23 A. CCTV image for each of the sites.

24 SIR MICHAEL WRIGHT: They had a CCTV image of Osman.

25 A. Yes.

1 SIR MICHAEL WRIGHT: At --

2 A. At Shepherd's Bush --

3 SIR MICHAEL WRIGHT: At Shepherd's Bush station, and then

4 the photograph on the gym card?

5 A. That's correct.

6 SIR MICHAEL WRIGHT: Thank you.

7 MR HORWELL: We will be hearing from the officer --

8 SIR MICHAEL WRIGHT: I know we shall.

9 MR HORWELL: -- who dealt with this matter.

10 It's a very small point. Can we go back to page 3

11 of the document we have just been looking at. If we

12 look at the bottom left-hand corner, Nightingale Lane,

13 Mr Boutcher, we have all been there, but can we just

14 have you confirm that the arrow is simply indicating

15 Nightingale Lane itself?

16 A. It does, yes.

17 Q. The police station is much further to the right, near

18 Clapham South --

19 A. It is towards the junction, yes, where the tube --

20 Q. Sorry the scale is so small, but it's much further to

21 the right?

22 A. It is, yes.

23 Q. Thank you. This document that we have gone through so

24 quickly this morning, setting out how this investigation

25 simply mushroomed, spread enormously as the intelligence

1 came through, as you expected that it would?

2 A. Yes, indeed.

3 Q. Although we have spent as short a time as we possibly
4 can by placing these details before the court, can you
5 confirm, Mr Boutcher, that many, many, many hours of
6 police work was spent in obtaining and using this
7 intelligence?

8 A. That's correct, sir, yeah, an enormous amount of work
9 and an enormous amount of police hours.

10 Q. Did at any stage the strategy change?

11 A. No, sir.

12 Q. As addresses emerged, you decided what priority to give
13 to them?

14 A. I did.

15 Q. And how to respond to them?

16 A. I did, for each of the addresses.

17 Q. Can we finally look -- and again briefly, I assure
18 everyone -- at another set of documents, please.
19 Exhibits brochure. If they could be distributed.

20 (Handed)

21 Again, there are spares for everyone if they need
22 one.

23 This is to emphasise some of the evidence that you
24 have already given, Mr Boutcher, as to the fact that the
25 police can never operate on the basis that bombers and

- 1 their associates will be at one location only?
- 2 A. Yes, that's correct.
- 3 Q. If we start with page 1 of this document, this indicates
- 4 where Curtis House is located, in New Southgate, North
- 5 London?
- 6 A. Yes.
- 7 Q. If we turn to page 2, we see a photograph and
- 8 a graphical representation of Curtis House. We can see
- 9 not one but two addresses, flat 58, which is the bomb
- 10 factory, as we will soon see?
- 11 A. Yes.
- 12 Q. And flat 65?
- 13 A. That's correct.
- 14 Q. Now, flat 65, can you help us, please?
- 15 A. That was an associate's flat, in fact the bombers and
- 16 the people from that address used the same vehicle, and
- 17 they used to stay in that flat as well, and the -- one
- 18 of the occupants of that flat was prosecuted for a part
- 19 in his involvement in 21/7.
- 20 Q. Just so that the jury can have an impression of what
- 21 a bomb factory is, Mr Boutcher, page 3, we now move to
- 22 flat 58 in Curtis House. We can see newspapers for the
- 23 21st and the 22nd in the bottom left-hand corner?
- 24 A. Yes.
- 25 Q. Indicating that these premises were being used after the

- 1 attempted bombings?
- 2 A. That's right, yes.
- 3 Q. Moving further up the page, we can see Hair and Beauty
- 4 Supplies plastic bags?
- 5 A. That's right.
- 6 Q. A receipt for batteries, chapatti flour, and a list with
- 7 on it "one citric, two nail" -- I'm sure that's meant to
- 8 be varnish -- "and battery"?
- 9 A. Yes, sir.
- 10 Q. In a sentence or two, can you help us as to the
- 11 relevance of those items?
- 12 A. They are all items, ingredients and component parts for
- 13 the production of a bomb, sir.
- 14 Q. To the right of the page, we can see under the
- 15 photograph exhibit MW5034, TATP traces found on exhibit.
- 16 TATP?
- 17 A. TATP is a highly volatile homemade explosive, sir.
- 18 Q. We can see references to the finding of DNA of
- 19 Muktar Ibrahim, one of the bombers?
- 20 A. That's right. He was the bus bomber, sir.
- 21 Q. We can also see, bottom left-hand corner, in terms of
- 22 the newspapers, FP, fingerprints?
- 23 A. Yes, sir.
- 24 Q. Of Asiedu, again one of the bombers?
- 25 A. That is correct, yes.

- 1 Q. Indicating the importance of finding and packaging
2 exhibits carefully?
- 3 A. Yes, sir.
- 4 Q. So that they are not contaminated and any fingerprint or
5 DNA will be discovered by a scientist?
- 6 A. That's correct, yes.
- 7 Q. Now, page number 4, we can see the kitchen, and the
8 cooking pans on the right of the page, those three pans,
9 each have written underneath them "traces of hydrogen
10 peroxide residue", and we can see what else was found in
11 the kitchen. Traces of hydrogen peroxide residue, the
12 importance of that?
- 13 A. Again that's the mixture with regards to the ingredient
14 for the explosive device, sir.
- 15 Q. Now, the appearance of the bottles on that page will
16 become clearer as we look at the next few pages. We can
17 take them quickly first, Mr Boutcher, and I'll ask you
18 to explain them. As we look further into the flat, we
19 can see at page 5 the finding of all of those plastic
20 bottles?
- 21 A. Yes.
- 22 Q. Page 6, liquid peroxide bottles?
- 23 A. Yes, sir.
- 24 Q. Page 7, the finding of more liquid peroxide bottles?
- 25 A. Yes.

- 1 Q. Liquid peroxide, its relevance?
- 2 A. Again, 7/7 and 21/7, the first time we had seen hydrogen
3 peroxide, peroxide obviously being one of the
4 ingredients, hydrogen peroxide devices in London.
- 5 Q. I am obviously not going to ask you the process with
6 which these bombs are made, but that is a starting
7 point?
- 8 A. It is, sir, yes.
- 9 Q. Photograph number 8, these are the bins at Curtis House?
- 10 A. They are, that's correct.
- 11 Q. Photograph number 9, we will come back to this in
12 a moment, but there we can see various electrical parts?
- 13 A. Sir, my schedule goes to 10, from 8 to 10.
- 14 Q. Let me give you this, Mr Boutcher. (Handed)
- 15 Thank you. Page number 9, various electrical parts
16 found in these bins?
- 17 A. Yes, sir.
- 18 Q. Together with receipts for relevant items.
- 19 SIR MICHAEL WRIGHT: He's not the only one who has page 9
20 missing.
- 21 MR HORWELL: I am very sorry. If we can't put it right now,
22 we will do so later, but it's pictures of various
23 electrical implements, small light bulbs and leads,
24 Mr Boutcher.
- 25 A. Yes, sir. They represent the initiation, the initiation

1 for the device, for the bombs.

2 SIR MICHAEL WRIGHT: The triggers?

3 A. That's right, sir, yes.

4 MR HORWELL: So that the jury can have an idea of the work

5 that is required to make these bombs, if you go to

6 pages 10 and 11, which I hope you have, these are the

7 bottles and cans of peroxide; yes?

8 A. They are, sir, yes.

9 Q. We can see how many were found?

10 A. Yes.

11 Q. That is the base upon which these bombers work to

12 manufacture a bomb?

13 A. It is, for a hydrogen peroxide device, sir, obviously,

14 yes.

15 Q. Thank you. Finally this, so that we can all understand

16 the importance of the point that you have raised, namely

17 not trusting documents that are found on an individual,

18 when Osman travelled to Rome, did he do so using a false

19 identity?

20 A. He did, sir. We established -- and we arrested and

21 charged his brother, and we had been aware of his

22 brother beforehand and he was under surveillance -- he

23 used his brother's passport to travel to Italy.

24 MR HORWELL: Right. Mr Boutcher, thank you. That's all

25 I ask.

1 SIR MICHAEL WRIGHT: Thank you.

2 Further questions by MR HOUGH

3 MR HOUGH: Mr Boutcher, just one topic in re-examination and
4 it's the question of firearms team deployment.

5 A. Yes, sir.

6 Q. You were asked about it early this morning by
7 Mr Horwell.

8 A. Yes, sir.

9 Q. Can I take this in two stages, the first from 5 am to
10 7 am when you weren't in fact at New Scotland Yard, but
11 you have been asked some questions about that time.

12 Secondly, after 7 o'clock when you were there?

13 A. Yes.

14 Q. Now, 5 o'clock to 7 o'clock, that was the time, I think
15 you know, from when the McDowall strategy was set and
16 the decision was taken to deploy teams in a particular
17 way and certainly at 5 o'clock the address of
18 Scotia Road known?

19 A. That's correct, yes.

20 Q. 7 o'clock, the end of the period, is when you arrived at
21 New Scotland Yard?

22 A. It is.

23 Q. You were asked by Mr Perry yesterday, it's pages 210 to
24 211 of the transcript for those following that, that if,
25 over this period, 5 to 7, the one available specialist

1 firearms officer team, the orange team, had been sent
2 out to Scotia Road, you were asked what team could have
3 been sent out to cover any other address, and you quite
4 naturally said none.

5 A. (Witness nods)

6 Q. You are nodding?

7 A. My understanding, sir, was yes, they were the only team
8 that night.

9 Q. You were further asked by Mr Horwell this morning, it's
10 page 17 of the transcript, that if you had been there
11 over that period, with two addresses, Scotia and
12 Portnall, Portnall in fact became known, according to
13 some of the evidence, at around 5.45?

14 A. Right, sir.

15 Q. You would have held back the one team you had centrally,
16 rather than send it to one of the two options?

17 A. That appears to be a sensible option, sir, yes.

18 Q. Just to be clear about that, why would you send it to
19 one, knowing that you could thereafter move it to the
20 other?

21 A. I am sorry, sir?

22 SIR MICHAEL WRIGHT: Why would you not send it.

23 MR HOUGH: I am sorry, why would you not send it to one,
24 knowing that you could then send it to another. Sorry,
25 I misspoke.

1 A. I think getting the deployment, if I understand the
2 question correctly, send it to one address and then
3 simply move them if there is a change in intelligence;
4 there are a myriad of things that could have occurred
5 outside of this intelligence which we have already gone
6 through really with regards to specific information
7 about a bomber at an address; firearms teams, there is
8 a certain process which has been explained already in
9 putting them at an address.

10 And taking all those factors into account, I think
11 the sensible decision should have been, and appears to
12 have been, to keep the address --the firearms team on
13 standby. And it appears that the team was brought to
14 Scotland Yard, as I understand it, at some stage during
15 the evening, to cover the two addresses, if indeed that
16 was the decision because I wasn't present; and in
17 accordance with my planning to have two teams with
18 Silver Commanders and tactical advisers going out from
19 the morning at 7 o'clock, which was the duty shift, the
20 rota, for a prolonged deployment; appreciative that that
21 would potentially move to different addresses.

22 Q. You said just a second ago that the sensible decision
23 and the decision that appears to have been made is to
24 keep the team centrally?

25 A. Yes, sir.

1 Q. When you say "the decision that appears to have been
2 made", are you basing that on a document you have seen,
3 somebody you have spoken to, or a deduction you have
4 made?

5 A. That's a deduction, sir.

6 Q. So you are not saying: I have spoken to somebody or
7 I have seen a document and I know that a decision was
8 taken at a particular time to hold the orange team
9 centrally rather than to send them to one address and
10 thereafter move them where they might be required.

11 A. No, sir.

12 Q. Second stage, after 7 am, at this point three addresses
13 known, I think, Scotia, Portnall and I think Blair House
14 also known?

15 A. Corfe and Blair House came on, I think, sir, by then.
16 Four addresses.

17 Q. I think Corfe House, certainly according to Mr
18 Forteath's note, came on at about 8.15, but others will
19 be able to check that.

20 In any event, those addresses coming on gradually
21 over that time?

22 A. Yes.

23 Q. At 7 am, when you came back, were any of those addresses
24 particular priorities?

25 A. The word "priority", again, I think they were all

1 priorities, sir.

2 SIR MICHAEL WRIGHT: Well, as between themselves, I think
3 Mr Hough is saying.

4 A. I think beyond each other, sir, not necessarily at that
5 stage from my recollection. I think they all fitted
6 into a category of interesting addresses as a result of
7 the information from the gym card, the information from
8 the jobseekers' allowance, but beyond that, no, sir.

9 MR HOUGH: During the course of that morning that you were
10 there, and let us say from 7 until 10, we know firearms
11 teams were sent to Scotia and Portnall and that
12 surveillance teams were sent to both those addresses.

13 A. Yes.

14 Q. During that period, 7 until 10, were firearms or
15 surveillance teams sent to any other addresses?

16 A. Surveillance went to Corfe; I wouldn't be able to give
17 you the time but I am sure that would be available, sir;
18 and the other address was Mitcham Lane.

19 Q. I think Blair House was the next --

20 A. And surveillance did occur at Blair House but the timing
21 I couldn't give you here, sir, but certainly we had
22 surveillance at both of those addresses in the enquiry.

23 Q. Now, in fairness to you, I should just put to you
24 something that you were asked at the trial. It's
25 page 108 to 109 of the transcript for 4 October last

1 year. You were asked by Ms Montgomery, who was acting
2 for the prosecution:

3 "Between the time you came on duty and 10 o'clock,
4 were there any premises in London that had a higher
5 priority than Scotia Road and Portnall Road?

6 "Answer: Not when I came on duty, ma'am, no.

7 "Question: Were there any premises in London which
8 had been the subject of a direction that they should be
9 covered by a covert ARV [armed response vehicle] team?

10 "Answer: At 7 am, ma'am, I don't believe so."

11 Then you were asked:

12 "Between 7 and 10?

13 "Answer: Between 7 and 10, ma'am, no.

14 "Question: Were there any other addresses that had
15 been subject to a direction that they should be
16 supported by a S013 team?"

17 You said that you didn't believe so between those
18 hours.

19 Do you think those answers were correct or might you
20 have been mistaken on any of those?

21 A. I think what I said today is very accurate. I think in
22 the context of Ms Montgomery asking me, this was very
23 focused on Scotia and Portnall and those two addresses,
24 the equilibrium between the two, and we were very much
25 unable to speak about other addresses, in particular

1 those that were coming on line. I think what I have
2 said today accurately reflects the position, sir.

3 Q. Today, this is page 5 of the transcript, lines 19 to 22,
4 you told Mr Horwell that on your arrival at New Scotland
5 Yard, so 7 am --

6 A. Yes, sir.

7 Q. -- or shortly thereafter, you made a conscious decision
8 not to demand that a firearms team be sent urgently to
9 Scotia Road, immediately to Scotia Road because that was
10 not urgent in the context of the operation as a whole?

11 A. Yes, and it had begun, sir, when I arrived and saw the
12 people at 7.10, clearly if you like that whole process
13 was underway.

14 Q. This obviously, if you made a decision that you wouldn't
15 make a demand for an urgent deployment, that would be
16 an important decision?

17 A. Well, the -- it's happening, sir. When you say, and
18 forgive me, it's trying to understand your reasoning
19 here, if I had been aware that bombers had been in those
20 addresses and we got that sort of information later in
21 the inquiry, which was wrong, but at the risk of bombers
22 being at those addresses and that intelligence being
23 quite clear, I would have insisted on emergency
24 deployment, as we did subsequently. This was a sensible
25 and proportionate response to getting teams briefed in a

1 proper way, to get to support surveillance for a support
2 to surveillance deployment, because that's what this
3 was; it wasn't a case of containing addresses because we
4 know the bombers are there, if that helps.

5 Q. Did you anywhere in your various records record at or
6 shortly after 7 o'clock a decision not to send
7 a firearms team immediately or urgently to Scotia Road
8 or anywhere else?

9 A. I didn't, sir, and I don't believe there was a need for
10 me to, because there was no intelligence to say --
11 I think I would have recorded that if I had intelligence
12 for two addresses and I had only one team and I had made
13 a decision we were going to send the firearms team to
14 a specific address with equal intelligence that was
15 significant. But in the context of what you have asked
16 me, sir, no, and I don't think there would have been
17 a requirement for me to.

18 MR HOUGH: Thank you very much. Those are my questions.

19 I think there may be further from the bench.

20 Questions from THE CORONER

21 SIR MICHAEL WRIGHT: As far as the other three addresses,
22 that's first of all Portnall, then Corfe House and
23 Blair House.

24 A. Yes, sir.

25 SIR MICHAEL WRIGHT: One team each, one surveillance team

1 each?

2 A. Yes, sir, unless, sir, it gets complicated, at various
3 addresses sometimes I put two surveillance teams if
4 there was information that people there, there were
5 a couple of people at some addresses who were aiding the
6 main suspects, so we would have some additional
7 resilience.

8 SIR MICHAEL WRIGHT: Basically it's --

9 A. Generally one team, yes.

10 SIR MICHAEL WRIGHT: We know, because we have seen it, that
11 Mr McDowall's strategy called for deployment of, first
12 of all, surveillance and then firearms team at
13 Scotia Road.

14 A. Yes, sir.

15 Q. "as soon as possible". That's the actual wording.

16 Doesn't that requirement give Scotia Road
17 a priority?

18 A. That was the first address that came on, sir, for
19 Mr McDowall to answer, but for me, if I had been there
20 I would have spoken to Mr McDowall and explained my
21 rationale that I have given this morning, I think.

22 SIR MICHAEL WRIGHT: Very well. The other question that was
23 asked, I am not going to ask because it relates to
24 matters that occurred entirely after Mr de Menezes'
25 death, but counsel can see it if they wish to.

1 That's all for Mr Boutcher?

2 MR HILLIARD: Sir, yes, I am only rising because I'm about
3 to call the next witness. I wonder if Mr Boutcher could
4 try and find out the times that surveillance teams went
5 to the other addresses for us, because if we have
6 someone who is tasked with it, it means we are going to
7 get an answer.

8 A. For all the addresses.

9 SIR MICHAEL WRIGHT: Thank you very much, Mr Boutcher. You
10 are free to go.

11 MR HILLIARD: Sir, the next witness is
12 Superintendent Johnston, please.

13 SIR MICHAEL WRIGHT: Yes.

14 MR MANSFIELD: Sir, I think if I may say so, before the
15 officer leaves, I am very sorry, I have had the quick
16 opportunity of seeing the note. In the light of
17 Mr Horwell's extensive, and I didn't object to it,
18 production of materials post the shooting, this is
19 a very relevant question.

20 SIR MICHAEL WRIGHT: I am not sure what it's relevant to.
21 You might say what was Mr Horwell's evidence relevant
22 to.

23 MR MANSFIELD: I am not sure if this is the officer to deal
24 with it, but given your own powers in the light of any
25 verdicts at the end, this question is of course

1 extremely important, sir.

2 MR HORWELL: I would welcome that the question is put to

3 Mr Boutcher.

4 SIR MICHAEL WRIGHT: Go back, Mr Boutcher.

5 MR HOUGH: Perhaps I should ask it.

6 MR HORWELL: Of course.

7 MR HOUGH: Mr Boutcher, the question is this, and I will ask

8 it verbatim:

9 "Did the shooting of Mr de Menezes influence or
10 change the tactics and strategy used in the hunt for the
11 failed bombers?"

12 A. No, sir, what we did that evening, I completely
13 reflected and looked at the investigation. One
14 amendment I did make which is in the decision log is
15 that the DSO function, although it had no role, as
16 I have explained in my testimony, that this was not
17 a Kratos. But because of forums such as this and people
18 making comments that it could have influenced issues,
19 the DSO then took a role only to be introduced when we
20 were actually managing the arrest of the bombers. So
21 I then managed all the other executive action.

22 SIR MICHAEL WRIGHT: That was the change?

23 A. Yes, sir, that evening, having looked at how we had
24 performed.

25 SIR MICHAEL WRIGHT: In that case it was a relevant

1 question. Thank you. Thank you, Mr Boutcher.

2 MR MANSFIELD: Thank you very much.

3 SIR MICHAEL WRIGHT: Mr Hough, could that one go back into
4 the file.

5 (The witness withdrew)

6 MR HILLIARD: Could we have Mr Johnston, please.

7 CHIEF SUPERINTENDENT DAVID JOHNSTON (sworn)

8 SIR MICHAEL WRIGHT: Thank you, Mr Johnston, please sit
9 down.

10 Questions from MR HILLIARD

11 MR HILLIARD: Is your name David Johnston?

12 A. That's correct, sir.

13 Q. I am going to ask you some questions first of all on
14 behalf of the Coroner and then you will be asked
15 questions no doubt by others, all right?

16 A. Sir.

17 Q. Have you got a copy of a witness statement that you made
18 on 8 November 2005?

19 A. I have, sir.

20 Q. Good. I am sure you understand there is no difficulty
21 about you referring to that at any time.

22 A. Thank you.

23 Q. I am going to be asking you about July of 2005, but can
24 you just help us: we are going to hear that you were
25 a Metropolitan police officer then; are you still?

- 1 A. Yes, I am still in the Metropolitan Police, yes.
- 2 Q. And your rank now?
- 3 A. I am a temporary Chief Superintendent still in SO15, the
4 Counter-Terrorism Command.
- 5 Q. Thank you. What was your rank, please, and where were
6 you working in July of 2005?
- 7 A. I was a superintendent in SO12 which was Special Branch,
8 responsible for domestic investigations and Irish
9 terrorism.
- 10 Q. Right. Just help us, what sort of domestic
11 investigations would those be, in the most general
12 terms?
- 13 A. These would be extreme right wing, left wing, animal
14 rights, public order, that type of areas.
- 15 Q. Then on 20 July, sorry, that's 20 July, is that 2006?
- 16 A. Should be 2005.
- 17 Q. Right, so on 20 July 2005, did you get involved in
18 another area of operations?
- 19 A. Yes, that's correct. I was covering the superintendent
20 for what was known as E Squad, which was the Special
21 Branch international inquiry team, due to him having
22 some annual leave.
- 23 Q. Right. If we can go, then, please to the day after
24 that, so 21 July 2005, did you receive a telephone call
25 when you were at home, a work-related call?

- 1 A. I did, sir, yes.
- 2 Q. Who was that from?
- 3 A. That was from Commander Williams who at that time was
4 the commander in charge of Special Branch.
- 5 Q. What did Commander Williams want? Can I just ask you,
6 it's a bit impenetrable in your statement, can you try
7 and put it in terms and language that we will all
8 understand?
- 9 A. I received a phone call from her after she had, she had
10 had a conversation with Mr McDowall, and she had agreed
11 that SCD7, which is the Specialist Crime Directorate,
12 who run operations out of Central3000 --
- 13 Q. That's a room at New Scotland Yard?
- 14 A. It is, yes. Would be involved in the ongoing
15 investigation in relation to managing the fast time
16 intelligence enquiries.
- 17 Q. Fast time intelligence enquiries into what?
- 18 A. Into the incident on that day, the attempted bombings,
19 and what was now becoming obviously a potential for
20 a manhunt.
- 21 Q. Right.
- 22 A. This was not the norm, this was a step from what we used
23 to do, so she had phoned me up and also left a message
24 for one of my colleagues, Detective Superintendent
25 Connell, to inform us of this decision, and then asked

1 us when we went in that morning just to make sure the
2 processes were in place to manage the intelligence
3 flows.

4 Q. Can you just, because I am finding it difficult
5 following that, explain to us what in practical terms,
6 as you understood it, what all this was about?

7 A. This was about -- within the operations room, Special
8 Branch would normally be leading on an intelligence
9 operation, and we would be gathering intelligence,
10 whether it be from surveillance, from partners, from
11 other methods, and we would then be making decisions on
12 how to develop that intelligence and where we would take
13 the enquiry.

14 This one here, because we had moved more into
15 a manhunt, which isn't an intelligence-gathering
16 operation, was around: we have had an incident; this was
17 now collecting that intelligence from the various
18 sources; SO13, the Anti-Terrorist Branch, obviously
19 doing their enquiries, and this was about gathering that
20 information.

21 As a result of getting that information and from
22 deploying surveillance or other methods, there is going
23 to come a time when there will be some fast time
24 enquiries to be made, whether that be from intelligence
25 databases or whether that be from sending officers out

1 to do enquiries or looking at phone records; and this
2 was around trying to make sure that we gathered and
3 captured and analysed that information as quickly as we
4 could, so that the information could come back into the
5 control room, particularly to the senior investigating
6 officer, Detective Chief Superintendent Boutcher, so
7 that we can decide on what the best deployments are.

8 Q. So you were going to be helping with that, is that
9 right, as you understood it?

10 A. My role was to make sure that what would happen in, what
11 would normally be an intelligence-gathering operation,
12 is that the roles of what was then Special Branch and
13 the Anti-Terrorist Branch, at the early stages of
14 an intelligence-gathering operation, Special Branch
15 would take the lead because it's their field of
16 expertise; and there comes a time when you are getting
17 nearer to executive action or making the arrests that
18 the senior investigating officer would take the lead.
19 And that would be a discussion.

20 SIR MICHAEL WRIGHT: That would be anti-terrorist, would it,
21 in this context?

22 A. Yes. Yes. This clearly here was a case where we are
23 already into an investigation and I discussed with
24 Mr Boutcher very early on that we were there in
25 a support role, so my role was to make sure that

1 Special Branch officers were performing the roles within
2 the control room, that we were dealing with the relevant
3 enquiries which would be specialist to ourselves on
4 a more secret side, and that SCD would be dealing with
5 the other enquiries, so it was joined up.

6 But my role is there to support the senior
7 investigating officer, and to make sure that those lines
8 of command feed into the control room which
9 predominantly was Special Branch staff who were being
10 tasked to do things in a slightly different way to what
11 they had done before.

12 MR HILLIARD: Does it come to this: your task is just to try
13 to help ensure, putting it at its most simple, that
14 intelligence that people need or are asking for gets to
15 the right place?

16 A. Yes.

17 Q. Is that basically it?

18 A. Yes, that's it, making sure that we have got the
19 intelligence going to the right people, which includes
20 making sure we are getting the information back from the
21 surveillance teams, making sure the surveillance teams
22 are getting the right direction as well and are being
23 deployed where the senior investigating officer wants.
24 It's that wider issue. Sitting behind all this would be
25 E Squad, which is a team also who would do some

1 investigations. It's making sure the information is
2 going to those officers so they can carry out their
3 enquiries as well.

4 Q. On the 21st, you get a call telling you that this is
5 what's wanted of you in the evening?

6 A. Yes.

7 Q. Beyond getting that call and realising that is what is
8 wanted, do you actually do anything about it on the 21st
9 or is it not until the 22nd that you go into work?

10 A. I didn't do anything about that until the next morning,
11 as that's when SCD7, the Specialist Crime Directorate,
12 were going to come in and assist.

13 Q. Did you get a call early on the 22nd, I don't know,
14 perhaps a bit earlier than you were expecting?

15 A. Yes, I did, about 5.10 in the morning.

16 Q. Still when you were at home?

17 A. Yes.

18 Q. Who was that the call from?

19 A. That call was from Detective Chief Inspector Baker.

20 SIR MICHAEL WRIGHT: That's Noel Baker, is it.

21 A. It is, sir, yes.

22 MR HILLIARD: What did he want?

23 A. He was asking me to come into work. In order to deploy
24 surveillance teams, a directed surveillance authority
25 has to be authorised.

1 Q. Pause, we are going to go a bit more slowly. So this is
2 5.10 in the morning on the 22nd?

3 A. Yes, sir.

4 Q. You get a call asking you to come into work from
5 Mr Noel Baker?

6 A. Yes, sir.

7 Q. This is ahead of when ordinarily you would expect to
8 have got in?

9 A. Yes, sir.

10 Q. What would that have been, 7 or 8?

11 A. 8 o'clock, I would have gone in for.

12 Q. I think you mentioned something about a directed
13 surveillance authority?

14 A. That's correct sir.

15 Q. What is one of those?

16 A. Surveillance officers, whenever we are following
17 somebody, the law requires us to ensure that it's
18 proportionate, necessary, et cetera, and therefore
19 a superintendent or above has to consider whether there
20 are sufficient grounds to do those deployments, so
21 therefore I have to come in to do that.

22 In other areas because of the -- it's not secret,
23 that's quite often done over the telephone, but by the
24 very nature of this area of business, I came into work
25 to do that.

- 1 Q. So something called a directed surveillance authority is
2 required, and because you are a superintendent, somebody
3 can make that application to you and you can consider it
4 and decide whether to grant it or not?
- 5 A. That's correct, sir.
- 6 Q. Then any other form of authority that was required?
- 7 A. Yes, I was also asked to consider a firearms authority
8 for the surveillance teams being deployed.
- 9 Q. So two applications for authorities that you are told
10 you are going to be asked to consider; one is
11 effectively for the surveillance to happen?
- 12 A. Yes, sir.
- 13 Q. Secondly, if you grant that, if it's going to happen,
14 that the people doing it can, some or all of them, be
15 armed?
- 16 A. Yes, sir.
- 17 Q. I think you got to work, is this right, I am looking at
18 your statement, about 5.30 in the morning?
- 19 A. That's correct, sir, yes.
- 20 Q. And went into the operations room on the 16th floor of
21 New Scotland Yard?
- 22 A. Indeed, sir, I did, yes.
- 23 Q. Was that a room that you were familiar with?
- 24 A. It's a room I have been in before, yes, sir, on a number
25 of occasions.

- 1 Q. Had you been present in that room when other operations
2 had been conducted from it?
- 3 A. Yes, sir, but they would have been more on the Irish
4 side of the Special Branch operations.
- 5 Q. Just so we understand, when you had been there before,
6 were the operations that were being run from the room as
7 urgent and as immediate as this one became? We will
8 look at it becoming urgent and immediate. Or were they,
9 as it were, rather longer term, slower-moving
10 operations? Do you understand the question?
- 11 A. I understand the question, sir. Going back to my point
12 previously, this was -- Special Branch tends to be
13 follow some intelligence through to executive action,
14 and so yes, they tended to be slower time, more
15 measured, with more time to consider what time at which
16 you handed over to the senior investigating officer to
17 more likely take the lead to decide when to take action.
- 18 Q. All right. When you got to the operations room on the
19 16th floor, and we will look later but we have seen
20 a plan of that and some photographs but I am sure you
21 are very familiar with it?
- 22 A. Yes.
- 23 Q. When you got there, did you see
24 Detective Chief Inspector Noel Baker?
- 25 A. I did, sir, yes.

1 Q. What did he say to you?

2 A. He informed me, a briefing around two potential
3 suspects, they being Hussain Osman of 21 Scotia Road and
4 Abdi Omar with a possible second address of
5 61 Portnall Road; and he informed me that there was
6 a strong resemblance between Osman and the CCTV pictures
7 captured at Shepherd's Bush, between Omar and the CCTV
8 pictures captured at Warren Street.

9 He then also informed me that Commander McDowall, as
10 he was then, wanted surveillance on the addresses, and
11 the teams to be deployed urgently.

12 Q. That's the surveillance teams?

13 A. Yes, it is, sir.

14 Q. I think at that time, in the operations room, there
15 wasn't just yourself and Mr Baker, is this right, but
16 a number of other people there?

17 A. Yes, sir, there were a small number of other people
18 there. As you say, DCI Baker was there. There was
19 also --

20 Q. We will leave it there for the moment. Just so far as
21 the firearms authority requests were concerned, were you
22 told that somebody we know as Andrew was the firearms
23 tactical adviser?

24 A. Erm --

25 Q. If you are not sure about that, we will sort it out in

1 time. You appreciate the sensitivity, because I think
2 the name in the second line may have been mistyped in
3 your original.

4 A. Again the name, apologies, I do not have -- I don't know
5 whether I can use his name or whether we are into
6 codenames for him.

7 Q. We will not risk it. We will come back to it later.

8 A. Okay.

9 Q. Were you told about a firearms tactical adviser who was
10 identified to you at first?

11 A. I was, yes, sir.

12 Q. Right. Did that change?

13 A. Yes, it changed. By 6 am that had changed to Trojan 80.

14 Q. What were you told about S019 firearms teams?

15 A. I was told that they were being deployed and that this
16 firearms authority had already been done by S013, the
17 Anti-Terrorist Branch.

18 Q. Can you remember who it was who told you that firearms
19 teams were being deployed?

20 A. I was being briefed by DCI Baker, so I can only assume,
21 but that's who I would assume told me.

22 Q. So far as the surveillance teams on the one hand and
23 S019 firearms on the other were concerned, you have told
24 us that you had been told by Mr Baker that
25 Commander McDowall had indicated that he wanted the

- 1 surveillance teams urgently deployed?
- 2 A. Yes, sir.
- 3 Q. Was there any difference, so far as the firearms teams
- 4 were concerned, or were they to be deployed with the
- 5 same speed as you understood it?
- 6 A. I am sorry, sir, I can't say that side of it, I was --
- 7 my area was quite narrow in terms of making sure we got
- 8 the surveillance out and that they were armed. In terms
- 9 of the S013 side and the firearms side, I wasn't
- 10 involved in that, sir.
- 11 Q. All you can say is that Mr Baker told you that they were
- 12 being deployed?
- 13 A. Yes, sir.
- 14 Q. Right. Did you in fact, so far as the authorities that
- 15 you had been asked to deal with were concerned, do the
- 16 firearms authority requests first?
- 17 A. I did, sir, yes.
- 18 Q. I don't know how much you are going to recognise of
- 19 this. Can we put up page 24 of the documents file?
- 20 There has been a lot of it blanked out. Can you
- 21 recognise obviously not what's undersigned but can you
- 22 see, is that your writing with the 5.35 am time and the
- 23 date?
- 24 A. It is, sir, yes.
- 25 Q. You can see the original if you need to. So that's 5.35

1 that you have granted that authority; is that right?

2 A. Yes, sir.

3 Q. If we can put up on the screen page 22 first of all,
4 same bundle. If you just go to the middle section, this
5 is in the application, can you see:

6 "The purpose of this application is to obtain
7 authorisation to arm a covert surveillance team for the
8 purposes of self-protection and the protection of the
9 public. This is an intelligence gathering operation at
10 this stage with no intention for MPSB
11 [Metropolitan Police Special Branch officers] to
12 restrain the subject unless his actions put the lives of
13 officers or members of the public at risk. It is
14 intended that S019 will effect any arrest, and these
15 armed officers will deploy using their own authority."

16 That's repeated in answer to a -- pretty much
17 repeated answer to a different question a little lower
18 down?

19 A. Yes, sir.

20 Q. That was what was in the application; is that right?

21 A. Yes, sir.

22 Q. Would that then have been your understanding at that
23 time of the respective roles of the surveillance
24 officers and the S019 officers?

25 A. Yes, it would, sir.

1 Q. Then if we just put, please, page 18 up on the screen,
2 do you see there is a section there, "Intelligence to
3 Support Application". Evaluate using a particular
4 system and we don't really need to get into that. Does
5 it indicate:

6 "The subject of this operation/application is
7 Abdi Omar. He is believed to currently reside at
8 21 Scotia Road, which he shares with Hussain Osman."

9 Is that right?

10 A. That's correct, sir.

11 Q. Then there is a reference, isn't there, to a membership
12 card for joint membership to a gym?

13 A. Yes, sir.

14 Q. You can see that a little lower down. So that one you
15 sign, you grant it at 5.35 in the morning, isn't it?

16 A. Yes.

17 Q. The time of the document. Then, having granted that
18 one, do you consider the surveillance authority?

19 A. I do, yes, sir, that's correct.

20 Q. That one, I think, you authorised at 6 o'clock in the
21 morning; is that right?

22 A. That's right, sir.

23 Q. If we just turn, if we can put up on the screen page 2,
24 can you see pretty near the top:

25 "Application for directed surveillance authority".

1 In capitals; yes?

2 A. Yes, sir.

3 Q. If we just move on, please, to the third page, can you
4 see -- not that easy to make out -- in the second half
5 of the page:

6 "Subject or subjects, particulars or description of
7 surveillance subjects against whom this application is
8 directed."

9 This was, as you have told us, a directed
10 surveillance authority request?

11 A. Yes, sir.

12 Q. So we can see who it's being asked for, and then the
13 names appear, Abdi Samad Omar, and the address
14 21 Scotia Road?

15 A. Yes, sir.

16 Q. And Hussain Osman, and again the address 21 Scotia Road?

17 A. Yes, sir.

18 Q. If we just look at page 14, again on one view its pretty
19 uninstructive but it's the document, that's 6 o'clock on
20 the 22nd in the morning that you have granted it?

21 A. That's correct, sir, yes.

22 Q. Now, that's at 6 o'clock. In the course of your
23 conversation with Mr Baker, was any mention made of
24 Commander Dick?

25 A. Yes, he informed me that Commander Dick would be coming

- 1 into the operations room that morning.
- 2 Q. Right. In what capacity?
- 3 A. Well, at that stage, he wasn't sure what her role was.
- 4 Q. What was the difficulty about knowing what her role was?
- 5 A. I am not sure that he had been to all the meetings with
- 6 the S013 side, so I think he was aware she was coming
- 7 in, but not quite clear what the role was.
- 8 Q. Did he say that? Did he say, "She's coming in", and
- 9 then talk about something else, or did he say, "She's
- 10 coming in but I don't actually know what her particular
- 11 role is"; do you see?
- 12 A. I don't recall, I would probably have asked: well,
- 13 what's her role; and he's -- I can't recall, but I would
- 14 think I would have asked what her role was just for
- 15 clarity, and he wasn't sure.
- 16 Q. Right. Amongst other things, whilst you were in the
- 17 operations room at this time, did you compile
- 18 a flowchart; do you remember you were telling us earlier
- 19 that the real reason you were there was this question of
- 20 making sure that the intelligence was coming in properly
- 21 and going to whoever needed it?
- 22 A. Yes, sir.
- 23 Q. Did you compile a flowchart of how that process might
- 24 work? I don't think we will need the details.
- 25 A. I did, sir, yes.

1 Q. How long do you think at this time you were in the
2 operations room for?

3 A. Well, I got there, I say, round about 5.30 -- up until
4 this point I was probably in there -- this was before
5 the -- before 8 o'clock, I was probably in there up
6 until maybe 7 o'clock, a fair amount of it after 7,
7 I think I left the room a few times.

8 MR HILLIARD: I will come on next, and with the Coroner's
9 permission perhaps at 2 o'clock, to a meeting at 8.10.
10 Thank you very much.

11 SIR MICHAEL WRIGHT: 2 o'clock, please.

12 (1.00 pm)

13 (The short adjournment)

14 (2.00 pm)

15 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

16 MR HILLIARD: We need a witness. (Pause)

17 Mr Johnston, we were just coming on to the meeting
18 at 8.10 in the morning, all right?

19 A. Sir.

20 Q. Where did that meeting happen?

21 A. It took place in the forward intelligence cell, which is
22 the room next to the operations room.

23 Q. We have seen that on a plan. You can go through a
24 little door, can't you, and into that?

25 A. Yes.

- 1 Q. Amongst others present at that meeting were
2 Superintendent Connell who you told us about?
- 3 A. That is right, sir.
- 4 Q. Just remind us again what his job was?
- 5 A. At that time he was responsible for the surveillance
6 teams in Special Branch.
- 7 Q. Commander Dick, is that right?
- 8 A. That's correct, yes.
- 9 Q. Mr Boutcher, who we have just heard from?
- 10 A. Yes, sir.
- 11 Q. What did Mr Connell say? Deal with him first of all.
- 12 A. Well, he briefed the meeting on an exercise that had
13 been held the previous Friday, and the lessons that he
14 felt had been learned from that exercise.
- 15 Q. What was that exercise? We have heard a bit about this.
16 That was 15 July, I think?
- 17 A. It was the previous Friday.
- 18 SIR MICHAEL WRIGHT: Exercise CATTO.
- 19 A. That would be it.
- 20 MR HILLIARD: That exercise, as you understood it, was about
21 what?
- 22 A. Surveillance operations following suspected terrorists.
- 23 Q. What was he saying about the lessons that had been
24 learnt from that?
- 25 A. Well, he was talking through, around the command

- 1 structure, was making some suggestions as to what he
2 felt had come out of that exercise.
- 3 Q. Was whatever he suggested something that was adopted
4 from then on, on this day, or not?
- 5 A. I don't think it was specifically outlined as such in
6 terms of the Gold, Silver, Bronze, but in the reality of
7 Commander Dick taking charge in there, then yes, she
8 performed that role.
- 9 Q. What was he saying, that Commander Dick should take
10 charge?
- 11 A. Yes, he was suggesting that she should be the
12 Gold Commander in charge in there with the senior
13 investigating officer, Special Branch co-ordinator, the
14 firearms S019 and the representative from the security
15 service.
- 16 Q. Right. Did you mention the particular topic, this
17 question of making sure the right intelligence came in
18 and went out to the right place at the right time and do
19 you remember the flowchart?
- 20 A. Yes, sir.
- 21 Q. Did you mention that topic, which is really what you
22 were there for?
- 23 A. I did raise that at the time, yes.
- 24 Q. With what result?
- 25 A. Well, at the time, with everything going on, the view

1 from Detective Superintendent Boutcher was that this was
2 a matter that we could deal with slightly later and that
3 the firearms and the surveillance were more important,
4 as I said, we could then deal with that process later
5 on.

6 SIR MICHAEL WRIGHT: Help me about this, Mr Johnston: we all
7 appreciate fully that the events of 7/7 were
8 unprecedented as far as the Metropolitan Police were
9 concerned, and indeed so were the events of 21/7,
10 because this was the first time you had ever had failed
11 suicide bombers to deal with, so that there were four
12 bombers on the loose, as it were.

13 I get the impression from what you are telling
14 Mr Hilliard that what you are saying is that at this
15 stage the command structure was still being evolved?

16 A. The difficulty, you know, with describing the whole
17 operation is it's wider than just -- you have got
18 Mr McDowall in overall for the investigation but within
19 the control room, it was clear to me that Commander Dick
20 was going to be making the decisions around what action
21 we would be doing.

22 SIR MICHAEL WRIGHT: There seems to have been discussion
23 about it.

24 A. There was discussion in the sense of
25 Detective Superintendent Connell raised the learning

1 from that. I am not sure that that was then progressed
2 any further.

3 SIR MICHAEL WRIGHT: Well, maybe you would like to follow it
4 up, Mr Hilliard.

5 MR HILLIARD: We have heard about the designated senior
6 officer, yes, in the context of Kratos and Clydesdale --

7 A. Yes.

8 Q. -- action, where in particular so far as Clydesdale is
9 concerned, where there is a requirement that a critical
10 shot be taken. The designated senior officer takes
11 responsibility for giving that instruction?

12 A. Yes.

13 Q. If you had a designated senior officer in the control
14 room, who was doing more than that, on one view that
15 might be something that wasn't ordinarily envisaged;
16 I don't know, was that a topic of discussion or not?

17 A. I don't recall that at all being the topic of
18 discussion. I felt it was made quite clear during that,
19 that in relation to, for instance, stopping anybody
20 coming out of the address, it was going to be that
21 Commander Dick said she would decide and obviously that
22 would be based on the advice of Detective Superintendent
23 Boutcher. Now, I accept that may be wider than the DSO
24 role, but it was clear to me in that meeting that she
25 would make that decision.

1 Q. Right.

2 SIR MICHAEL WRIGHT: Was that something that was decided at
3 that meeting?

4 A. There was a meeting at 8.10, and it was that followed by
5 the strategy, she made it clear that she would be making
6 that decision.

7 SIR MICHAEL WRIGHT: It all developed in this meeting?

8 A. Absolutely, sir.

9 SIR MICHAEL WRIGHT: All right.

10 MR HILLIARD: Let us put it on the screen and then it may
11 not help actually much, but D07799. You may well not
12 have seen this before, Mr Johnston, but can you see that
13 this relates to Operation CATTO? It's a debrief from
14 it. Can you see the author is Mr Connell who you are
15 telling us about?

16 A. Yes, sir.

17 Q. This is a sort of lessons learned from the training
18 exercise and it's Mr Connell who has completed the
19 document?

20 A. That's correct, yes, sir.

21 Q. Do you see "Command Structure" down the bottom there?
22 Do you see that?

23 A. Yes, sir.

24 Q. "There was some debate about the relative position of
25 the DSO [we have just mentioned that] (Kratos option)

1 and the covert operations room and whether the Silver
2 has delegated responsibility for DSO in some scenarios
3 e.g. moving to military option."

4 Maybe you can't, can you tell us what on earth
5 that's all about or not?

6 A. I wouldn't be able to give you a guaranteed answer.

7 Q. Then it goes on:

8 "The nomenclature [so the names that are given] and
9 roles of the strategic, tactical and operational areas
10 of responsibility need to be better defined in the
11 model."

12 Does that help, was that the aspect of command
13 structure that Mr Connell was saying had come out of
14 CATTO?

15 A. I mean, I don't recall. The thing which came at it for
16 me was making it clear that there was a structure which
17 would be that one person was working towards that goal.
18 As I said earlier, on other operations where it's more
19 of an intelligence-gathering thing, you do have this
20 moveable position of -- is E, intelligence,
21 Special Branch, the lead; Anti-Terrorist Branch, were
22 they the lead; this was clearly into a different world
23 here where there needed to be one person in overall
24 charge. And what I took from what
25 Detective Superintendent Connell was saying was that

1 needed to be clear Gold, in that I took out of the
2 meeting that Commander Dick was effectively performing
3 that by deciding whether people should be stopped or
4 not.

5 Q. All right. We can take that off the screen. We were
6 just dealing, if you remember, with you having raised
7 the topic that you were there to deal with; do you
8 remember?

9 A. Yes, sir.

10 Q. And Mr Boutcher saying that he thought it could be dealt
11 with later, and that you said firearms and surveillance
12 were more important; yes?

13 A. Yes.

14 Q. What about firearms and surveillance were more important
15 at this time, as you understood it?

16 A. This was about ensuring that the surveillance teams were
17 deployed to the locations, and that again the firearms
18 teams were available to perform their roles.

19 Q. Right. Did you understand that surveillance teams had
20 been deployed, were about to be deployed, what was your
21 understanding?

22 A. At this stage then they were already deployed.

23 Q. Right.

24 A. As I recall, I think --

25 Q. So not really an issue, then, with surveillance because

- 1 they were already deployed?
- 2 A. With the teams we have already got on, there would be
3 more teams coming on duty and again then it's a question
4 of getting the teams to the locations we can to give as
5 much coverage as we can.
- 6 Q. Then firearms, making sure those were available, did you
7 say?
- 8 A. Making sure we had got the firearms teams that are
9 coming on duty deployed. That's not an area I would
10 deal in.
- 11 Q. I want to know what he was saying, because leaving aside
12 the question of standby teams, a team has come on at
13 7 am, it's now 8.10, what was he saying was happening
14 about getting them there?
- 15 A. I don't recall that being discussed at the meeting.
- 16 Q. What, nothing was said about: it's now 8.10, how are
17 they doing, this is roughly where they are, they will be
18 there in another half an hour; nothing at all?
- 19 A. All I can say is I don't recall that because I was there
20 to try and make sure we have the intel processes being
21 dealt with, and again in terms of the operational side
22 of this, this was an area which
23 Detective Superintendent Boutcher was leading on behalf
24 of the Anti-Terrorist Branch.
- 25 SIR MICHAEL WRIGHT: You were effectively co-ordinating the

- 1 input of intelligence?
- 2 A. Yes, sir.
- 3 SIR MICHAEL WRIGHT: That was your primary function there?
- 4 A. Yes, sir.
- 5 MR HILLIARD: What I am really trying for is -- your
- 6 function, as it were, we know effectively that was going
- 7 to be later, so I'm not really on that at the moment.
- 8 What I want you to help us with is what was being said
- 9 at the meeting, you understand that?
- 10 A. Sorry, sir, I didn't make a record of those areas there.
- 11 All I can say is I had a discussion with
- 12 Detective Superintendent Boutcher in terms of we being
- 13 there for a support role, and my, albeit lot more
- 14 limited experience than his, is if you get too many
- 15 people involved trying to lead things, it can cause
- 16 confusion, so I was trying to stick my role as to where
- 17 it was.
- 18 Q. Was anything said at the meeting that you were at about
- 19 where surveillance and firearms teams would be sent?
- 20 A. Again I don't recall having made a note of this. At
- 21 this time, I believe we had got control of Scotia Road
- 22 and I think we had control, officers at Portnall Road or
- 23 at least they were on way there.
- 24 Q. While you were there, was there any discussion about not
- 25 sending surveillance and firearms to a particular

- 1 address because if you did that, they might not be
2 available for another address? Was anything like that
3 mentioned, as you remember it?
- 4 A. Sorry, I don't recall, sir.
- 5 Q. You say in your statement that the meeting then went on
6 to discuss the decision-making process for stopping
7 people?
- 8 A. That's correct, sir.
- 9 Q. Can you just help us about that; how was that going to
10 work?
- 11 A. Commander Dick gave a strategy which was to ensure
12 public safety; control both addresses, they being
13 21 Scotia Road and 61 Portnall Road; where possible take
14 people away from the address and detain them; arrest the
15 suspects and search and secure the addresses; the last
16 three of which being deciding whether to detain them,
17 arrest or search the addresses, would only be done with
18 the authority of Commander Dick.
- 19 Q. I think you may just have jumped a little bit ahead.
- 20 A. I am sorry.
- 21 Q. I am looking at the bottom of the second page in the
22 print version I have of your statement, where you say --
23 this is the 8.10 meeting?
- 24 A. Yes, sir.
- 25 Q. "The meeting then went on to discuss the decision-making

- 1 process for stopping people. Commander Dick stated that
2 she would decide but based on the advice of
3 Mr Boutcher."
- 4 A. That's correct, sir, yes.
- 5 Q. Then was something said about the firearms side of
6 things?
- 7 A. Yes. At this time we had a Silver for -- who was a DI
8 within Special Branch, supporting the surveillance teams
9 and SO13 had their own Silver, and it was agreed that we
10 would just have one Silver supporting the operation.
- 11 Q. Which one would that be?
- 12 A. That was the SO13 Silver firearms commander.
- 13 Q. Then I think, although you are not entirely sure exactly
14 when, by this time details of a third suspect, who you
15 have as Jeffrey Obwana but also known as Elias Girma had
16 become known; is that right?
- 17 A. Yes.
- 18 Q. You have noted, I think, that that meeting finished at
19 about 8.20?
- 20 A. That's correct, yes, sir.
- 21 Q. Did Commander Dick, Mr Boutcher, and as far as you
22 remember probably others then go into the main
23 operations room because you had been in the forward
24 intelligence cell; yes?
- 25 A. Yes, sir.

1 Q. Then I want you to help about this: I think
2 Commander Dick then gave her strategy; is that right?

3 A. She did, sir, yes.

4 Q. What did she say? Not too quickly, because bear in mind
5 we haven't all got this in front of us.

6 A. This is where I jumped ahead a second ago. Apologies
7 for that. Commander Dick set out that it was to ensure
8 public safety, control both addresses, at that time they
9 being 21 Scotia Road and 61 Portnall Road. It was then
10 that where possible take people away from those
11 addresses and detain them away from the addresses,
12 arrest the suspects, and search and secure the
13 addresses.

14 It was these last three, as I said, in relation to
15 making the decision around whether to detain people
16 coming from the addresses, make the arrests, searching,
17 these could only be done with the authority of
18 Commander Dick.

19 Q. As you understood it, or as it was explained, who was
20 going to be doing the arresting of suspects if they came
21 out of the address?

22 A. I am not sure that I, I am aware who that would have
23 been at that stage. It wouldn't have been something
24 I would have been expecting the surveillance teams to
25 do.

- 1 Q. You know that surveillance teams and firearms were
2 supposed to be going. If you weren't expecting
3 surveillance teams to be doing it, who is left?
- 4 A. Sorry, I am not sure. I can only surmise, I would have
5 been looking there at the anti-terrorist side branch
6 side of the operation or firearms.
- 7 Q. If they weren't doing that, what would the firearms
8 officers be doing then?
- 9 A. It would depend, I guess, on Commander Dick with the
10 advice of Detective Superintendent Boutcher as to who to
11 stop.
- 12 Q. Looking at what her strategy was, right?
- 13 A. Yes.
- 14 Q. Which is to take people away from the addresses and
15 arrest the suspects and search and secure the addresses,
16 what role did you think the firearms officers -- was
17 nothing said about that?
- 18 A. I don't recall that anything was said about that.
- 19 Q. So you, at the end of her having explained the strategy,
20 had no idea what the firearms officers' role was?
- 21 A. I wouldn't, but I don't feel that I needed to know at
22 that stage, as I feel that my role within there was
23 a very tight narrow area which was around making sure
24 that the processes being run that day and the way
25 Special Branch was working was supporting the SIO and

1 Commander Dick.

2 Q. It just wouldn't be standard practice in a briefing of
3 that kind just to explain what the role of the
4 surveillance officers and the firearms officers were to
5 an officer as senior as you as superintendent; that just
6 wouldn't be standard practice?

7 A. It wasn't discussed during that meeting that I recall.

8 Q. Such as you knew of them, did you then write the aims
9 and objectives as you had been told, but to that limited
10 extent, on a board in the operations room?

11 A. I did, sir, yes.

12 Q. Was it known that you were going to have responsibility
13 for writing the aims and objectives of the operation on
14 the board? Because you would obviously need, wouldn't
15 you, to know what they were if it's going to be your job
16 to write them up?

17 A. I was there when she said what they were, I wrote them
18 down in my book and then took them on -- put them on the
19 wall so that other officers coming into the room would
20 be able to see what they were. If I hadn't done it,
21 somebody else would have done it.

22 Q. It follows that nothing was written up about what the
23 role of the firearms officers was to be?

24 A. Not by myself. I can't comment whether anybody else
25 did.

- 1 Q. At 8.20 in the morning, did you look again at the
2 directed surveillance authority you have told us about?
- 3 A. That's correct, sir.
- 4 Q. Was the name of Elias Girma added to that?
- 5 A. It was, sir.
- 6 Q. So there are now three people on that; is that right?
- 7 A. That's correct, sir.
- 8 Q. That's 8.20, and I'm going to come on to a time, please,
9 and ask you about Pat, the surveillance monitor, all
10 right?
- 11 A. Yes, sir.
- 12 Q. The time is going to be 9.30 or so, just to help you, in
13 the morning. All right?
- 14 A. Yes, thank you.
- 15 Q. Can you just give us an idea, between 8.20 when you have
16 added a name, for obvious reasons, to the surveillance
17 authority, and then the 9.30 on part that I am going to
18 ask you about, any recollection of where you were or
19 what you would have been doing between those times, and
20 only in general terms?
- 21 A. In general it would have been doing what was also my day
22 job, which was the other side of the command which I was
23 responsible for; it was meeting with other colleagues;
24 it would have been looking at the resources within the
25 international side of the command to looking at coverage

1 later in the day, and over the weekend. So I would have
2 been in and out just to see how things were going.

3 Q. So I understand, in and out the operations room or in
4 and out of your day job?

5 A. Sorry, in and out of the operations room, a combination
6 of the two, really.

7 Q. So you have, as it were, both roles really. Really what
8 I am getting at is you are not in there solidly from
9 8.20 to 9.30?

10 A. No, sir.

11 Q. Then coming on, as I say, to Pat, the surveillance
12 monitor, can you just show us, if we just get our plan,
13 which is in, I think, section 20 in our -- thank you
14 very much.

15 SIR MICHAEL WRIGHT: It's up.

16 MR HILLIARD: As you recall it, where was Pat?

17 A. Is this a touch screen?

18 Q. I am afraid it's not.

19 A. He was sitting at --

20 SIR MICHAEL WRIGHT: You might find it's about to become
21 a touch screen.

22 A. He was sitting here (indicated).

23 MR HILLIARD: So S1.

24 SIR MICHAEL WRIGHT: Thank you.

25 MR HILLIARD: We have heard a bit about him already,

- 1 although not heard from him. Is this right: that his
2 role was to monitor communications from the surveillance
3 team.
- 4 A. Yes, sir.
- 5 Q. Any surveillance team in particular, as you understood
6 it?
- 7 A. He was monitoring the surveillance team at Scotia Road.
8 There is the ability to, from all those S seats at the
9 front there, to monitor more than one team.
- 10 Q. But he was on the Scotia Road monitoring?
- 11 A. He was.
- 12 Q. All right. You say in your statement that you had
13 returned to the operations room by 9.30 or so; yes?
- 14 A. Yes, sir.
- 15 Q. Shortly after that, I think you heard Pat say something?
- 16 A. Yes. I heard him state that a male had come out of the
17 communal front door. And he then went on to say that
18 the team were saying it might be the suspect, and was
19 worth someone else taking another look.
- 20 Q. Right. We have got him at S1. Whereabouts would you
21 have been at this time?
- 22 A. I think I started off round here (indicated), and during
23 this period I moved myself to this area here
24 (indicated).
- 25 Q. So you started off ever so roughly below S4?

- 1 A. Yes, probably more this area here (indicated).
- 2 Q. So to the right of S4?
- 3 A. Yes.
- 4 Q. Then you have gone over to an area behind and below S1
5 and S2, is that roughly it?
- 6 A. That would be roughly, yes, sir.
- 7 Q. Just help us about some others. Somebody we know both
8 as Trojan 80 and Mr Esposito, can you help us with
9 whereabouts he was?
- 10 A. I think he was sitting here, sir (indicated).
- 11 Q. So that's the seat that says A3 at the bottom?
- 12 A. He was certainly in this bank here and I think it was
13 that seat.
- 14 Q. So in that bottom bank, and as best you recollect it,
15 A3?
- 16 A. Yes. Again my recollection is, it looks neat and tidy
17 with those number of chairs; it would have been possible
18 to have more chairs there so there may have been more
19 chairs.
- 20 Q. All right, but in one of a number of chairs that might
21 have been round about A3?
- 22 A. Yes.
- 23 Q. All right. Then what about Commander Dick and
24 Mr Boutcher?
- 25 A. As I recall, they were in this area here (indicated).

- 1 Q. So that's over to the sort of, as it were, left side as
2 we look at the plan, of the sort of semicircle at the
3 right there; yes? To the left of that as we look at the
4 plan?
- 5 A. Yes, the right-hand side of the plan, in front of that
6 semicircle of chairs with C1, 2 and 3, I think it is.
- 7 Q. All right. Can you help us, in between Pat and them,
8 I mean, is it empty space, are there people sitting
9 along there, standing there? What's the position?
- 10 A. This area here (indicated) was generally clear, and
11 there was enough space to, you know, walk to and from
12 there.
- 13 Q. Is there anybody standing in that row at all or not?
- 14 A. I was.
- 15 Q. Apart from you?
- 16 A. Not that I recall, no.
- 17 Q. People as you recall it sitting at S2, 3 and 4 or not?
- 18 A. Yes, sir.
- 19 Q. So Pat has said that a male has come out of the communal
20 front door, and then says that the team are saying it
21 might be the suspect and was worth someone else taking
22 another look?
- 23 A. That's correct, sir, yes.
- 24 Q. Who was he giving that information to?
- 25 A. He was giving it to the room generally. What would

- 1 happen, obviously he has given out what is quite
2 an important piece of information; and obviously within
3 the room there you have got what would be the old style
4 Special Branch office manager, if you like, at the back,
5 would normally have a look at this and we would decide
6 what to do. Clearly here we had got Commander Dick and
7 Detective Superintendent Boutcher who would then be
8 wanting that sort of information to decide what the next
9 steps would be.
- 10 Q. Is he calling it across to them or is he actually
11 speaking to someone else and they can hear? Do you see
12 what I mean?
- 13 A. I think he was just saying it loud enough for people in
14 the room to hear.
- 15 SIR MICHAEL WRIGHT: To the room generally?
- 16 A. Yes, sir.
- 17 MR HILLIARD: Something of that kind is obviously
18 an extremely important announcement, if I can put it
19 that way.
- 20 A. That's correct, yes, sir.
- 21 Q. What was the position like in the room so far as noise
22 and amount of people was concerned?
- 23 A. There was more people in the room than there would
24 normally be, because this room --
- 25 Q. An awful lot going on.

- 1 A. -- a different style of operation. So clearly you have
2 got the DSO that wouldn't have previously been in here;
3 you have got SCD, a member of staff there, so there are
4 two or three more people and are doing more roles.
5 Therefore the noise levels are going to be higher
6 because people are talking about various things. It
7 doesn't mean I think it was excessively noisy but it was
8 a busy room. There were lots of conversations going on.
9 So clearly in order to be sure that people are hearing
10 things, somebody needs to make sure that people are
11 listening, and I think that role needs to be -- the
12 noise levels were such that it would be important that
13 things like that are said loudly.
- 14 Q. I do not want to know who each was, but how many people
15 are there in the room; can you give us a between one
16 figure and another figure? Or a not less than?
- 17 A. I would say more than 16 people.
- 18 SIR MICHAEL WRIGHT: That's open-ended. Top end?
- 19 A. I wouldn't have said more than 25. I am trying to look
20 round there and think, you know, who do I recall being
21 there, and I have had a couple, and I think it may be
22 16. The difficulty is people come in and out of the
23 room, so it is difficult to gauge.
- 24 SIR MICHAEL WRIGHT: It's only a bracket. Thank you.
- 25 MR HILLIARD: So that information is announced, as it were,

1 by Pat, and what, as you understand it, is happening
2 once he has announced that? What's done about it? What
3 needs to be done about it?

4 A. Well, at this stage what needs to be done then is
5 Commander Dick, with the support as we said in the
6 strategy at the start, with
7 Detective Superintendent Boutcher, now needs to decide
8 what action was going to then take place in terms of at
9 what point we would stop them if we are going to stop
10 them at all and what action to take.

11 Q. Right. Was a decision made on the basis of the
12 information received thus far, or did some more
13 information come through?

14 A. While they were deciding what to do, Trojan 80 appeared
15 to be listening to someone on his mobile phone and
16 stated out loud from that that this person was not the
17 suspect.

18 SIR MICHAEL WRIGHT: Could you help us about this:
19 Trojan 80, of course, was a firearms liaison officer.

20 A. Yes, sir.

21 SIR MICHAEL WRIGHT: Given that he was talking on his mobile
22 phone and not on the radio -- you can't identify the
23 person, but would it have been a surveillance officer,
24 a firearms officer, or who?

25 A. I would have assumed it would have been a firearms

- 1 officer because he would not be normally linking into
2 our surveillance officer.
- 3 SIR MICHAEL WRIGHT: That's who he is talking to?
- 4 A. That's who he is working with, yes.
- 5 MR HILLIARD: So Trojan 80 appears to be listening to
6 someone on his mobile phone, you think a firearms
7 officer?
- 8 A. Yes, sir.
- 9 Q. Trojan 80 says, "It's not the suspect"?
- 10 A. That's correct, sir.
- 11 Q. Who is Trojan 80 saying that to?
- 12 A. Again to the room, but as I recall in the general
13 direction of Commander Dick. And again in terms of
14 asking how noisy it was in there, yes, he had to say it
15 out loud but it was clear enough for myself to hear and
16 also, I believe, Commander Dick to hear.
- 17 Q. As far as you can see, they will have had the
18 information: might be the suspect, worth someone else
19 taking the look; and then Trojan 80 saying it's not him?
- 20 A. Based on what he had heard on the phone, I think, yes.
- 21 Q. Did Pat say anything else?
- 22 A. Yes, he then stated that the surveillance officers are
23 still saying it could be him.
- 24 Q. Pause a moment. Did that appear to be in response to
25 what Trojan 80 had said?

- 1 A. That appeared to be the case to me, yes, sir.
- 2 Q. So Trojan 80 says it's not the suspect, but Pat in
3 response to that says that the surveillance officers are
4 still saying it could be him?
- 5 A. That's right, sir.
- 6 Q. That again, all these announcements about the state of
7 belief as to who this person was, were obviously
8 extremely important, weren't they?
- 9 A. Yes.
- 10 Q. Really important decisions are being made on them so
11 they have to be heard, don't they?
- 12 A. That's correct, yes, sir.
- 13 Q. What about that one, then, this: Pat saying the
14 surveillance officers are still saying it could be him;
15 did that appear to have been heard by Commander Dick and
16 Superintendent Boutcher or not?
- 17 A. I am not sure it had been at that stage, which is why
18 I then repeated what Pat had said, and obviously
19 standing up I was probably easier to hear.
- 20 Q. You say in your statement it appeared not to have been
21 heard by them?
- 22 A. That's correct, yes.
- 23 Q. Can you help us why that was? Was that because he was
24 not speaking so loudly, were they in the middle of
25 something, so the jury know why an announcement of that

- 1 kind you think wasn't heard by them?
- 2 A. I think the -- Pat was being very measured and calm and
3 just said it in a calm way. Obviously they have already
4 got other information, two potentially conflicting
5 pieces of information which they are no doubt
6 considering, so this was just me making sure that they
7 had heard. It may be that they had heard, I just wanted
8 to be sure that they had not missed that bit of
9 information.
- 10 Q. Sorry, do forgive me, I am not meaning to labour it, but
11 you thought, I think, that they had not heard; it
12 appeared, as you say, maybe they did, maybe they didn't,
13 but you thought they hadn't heard?
- 14 A. That's correct, yes.
- 15 Q. So you, as you say, you repeat what Pat has said?
- 16 A. Yes, sir.
- 17 Q. So you repeat, do you: the surveillance officers are
18 still saying it could be him.
- 19 A. That's correct, sir.
- 20 Q. This is all, isn't it, while a decision is being made
21 about what should happen to the person; yes?
- 22 A. That's correct, yes.
- 23 Q. Had a decision been made about what should happen to
24 him?
- 25 A. I don't believe so at this stage, as Commander Dick was

1 asking for more information.

2 Q. In the time by which a decision had not been made, what

3 did the person do, as you understood it?

4 A. In this, what was a very short period of time, this

5 person had got on to the number 2 bus.

6 Q. How did you know that?

7 A. Because that would have been relayed by Pat again.

8 Q. Right. When Pat relayed that, did Commander Dick say

9 anything?

10 A. She asked where the number 2 bus was heading towards.

11 Q. Was an answer given by somebody?

12 A. It was heading towards Brixton.

13 Q. Right, and that answer came from?

14 A. Sorry, I don't recall.

15 Q. All right, but somebody provided that information?

16 A. Yes, sir. No, I am sorry, the surveillance monitor,

17 Pat, relayed the direction of the bus and it came from

18 him. Sorry.

19 SIR MICHAEL WRIGHT: Could you pause a moment, Mr Hilliard?

20 It's just a question of interrelating people and things.

21 If you are right, and Trojan 80 was probably talking to

22 firearms officers, we are not sure which one; can we

23 just fit this in; if you can't answer this it may be

24 that Mr Hilliard can. At this point, which is now about

25 9.40, I suppose, 9.40/9.45, where were the firearms

1 officers at that stage?

2 A. I am sorry, I don't know the answer, sir.

3 SIR MICHAEL WRIGHT: As the question has been asked, I think

4 we can probably answer the question, can't we?

5 MR HILLIARD: We will come back to it, just so we get it

6 right, otherwise we will deal with that one.

7 Right. So Commander Dick is asking where the number

8 2 bus is heading?

9 A. Sir.

10 Q. The answer comes back from Pat "towards Brixton"?

11 A. "towards Brixton", that's correct, yes.

12 Q. Did Pat provide, in addition to the direction of the

13 bus, any other information?

14 A. He did, sir, a description of the person's clothing.

15 Q. Thank you. Then you make a reference to Mr Boutcher.

16 A. Sir.

17 Q. Can you help us about that?

18 A. Detective Superintendent Boutcher asked twice or maybe

19 three times, out of ten how sure are they that this

20 person was the suspect.

21 Q. Yes?

22 A. And the surveillance monitor Pat kept saying, replying:

23 they are saying it could be him.

24 Q. So he asks: how sure are they it's the suspect out of

25 ten.

1 A. Yes.

2 Q. They say: it could be him.

3 A. That's correct, sir.

4 Q. You say he asked twice, maybe three times, and the
5 surveillance monitor kept replying: they are saying it
6 could be him.

7 A. That's right, sir.

8 Q. Was that, as it were, each time he asks, back comes the
9 answer: it could be him.

10 A. That's all they ever said, as I recall.

11 Q. Now, what you have told us about, just to recap, is
12 somebody who might be the suspect and it's worth
13 somebody else taking another look; yes?

14 A. Yes, sir.

15 Q. Then Trojan 80 saying: it's not the suspect.

16 A. That's correct.

17 Q. Just give me a minute. (Pause)

18 Probably the best we can do is to say at that time
19 they would have been somewhere between, the firearms
20 team, Nightingale Lane and the TA Centre but we will
21 have to be patient and wait for them to give evidence
22 and tell us, I think.

23 All right, so Trojan 80 repeats: it's not the
24 suspect; all right? Pat then says: surveillance
25 officers are still saying it could be him. Mr Boutcher

- 1 asks two or three times: out of ten, what's the answer.
- 2 Pat just repeats: they are saying it could be him.
- 3 A. That's correct, yes.
- 4 Q. What I want to know is this, at any time, because you
5 are right by Pat, aren't you?
- 6 A. Sir.
- 7 Q. You are the nearest. At any time did you hear a state
8 of belief as to whether or not this person was the
9 suspect which was ever more than that, than that it
10 could be him?
- 11 A. No, sir.
- 12 Q. As you understood it, by this time the bus was
13 approaching Stockwell tube station; is that right?
- 14 A. That's correct, yes.
- 15 Q. Was Pat relaying that the suspect was standing up on the
16 bus, suggesting he was going to get off?
- 17 A. Yes, sir.
- 18 Q. What did Commander Dick say at that point?
- 19 A. She said she wanted the firearms team to stop the person
20 being followed.
- 21 Q. Doing the best you can, when you say "to stop the person
22 being followed", is that the word, and by that I mean
23 "stop", she used as best you recall it?
- 24 A. That's what I wrote in my statement at the time, and --
- 25 Q. You have no better recollection than that?

- 1 A. I've no better recollection of that and that probably --
2 that's as best I can remember; that one I may be wrong
3 on it; it may be some other wording.
- 4 Q. Simply all you could do then was give your best
5 recollection, all right.
- 6 So she says that she wants the S019 team to stop the
7 person being followed. Trojan 80, is this right, is on
8 his mobile phone again?
- 9 A. Sir.
- 10 Q. Did you hear him say something?
- 11 A. Yes. He said something like, "What do you mean, you
12 can't do it? Get yourself there".
- 13 Q. Pause a moment. That's really, is it, because you have
14 said you heard him say something like that, that's the
15 effect of what he was saying?
- 16 A. Yes.
- 17 Q. "What do you mean, you can't do it? Get yourself
18 there". Was there then some more conversation?
- 19 A. There was, sir.
- 20 Q. Can you remember the details of that, or only what
21 Trojan 80 said after it?
- 22 A. No, I can't remember the details. The first bit
23 I recall being said slightly louder, and then --
- 24 Q. It was pretty emphatic, was it: "What do you mean, you
25 can't do it? Get yourself there".

- 1 A. Yes, there was then the further conversation, after
2 which Trojan 80 informed Commander Dick that his
3 officers were not able to get to the person in time.
- 4 SIR MICHAEL WRIGHT: Again we are assuming that he was
5 talking to firearms officers.
- 6 A. I'm making that assumption.
- 7 SIR MICHAEL WRIGHT: Yes. Could I ask, since the question
8 has been raised, do you remember Chief Inspector Scott
9 being there, Angie Scott?
- 10 A. At various -- she was there at some times but I can't
11 say whether she was in the room at this time, sorry.
- 12 SIR MICHAEL WRIGHT: In that case you can't actually tell us
13 where she was standing?
- 14 A. No.
- 15 SIR MICHAEL WRIGHT: Thank you.
- 16 MR HILLIARD: So Trojan 80 told Commander Dick that his
17 officers weren't able to get to the person in time; yes?
- 18 A. That's right, yes.
- 19 Q. Did Mr Boutcher then make a suggestion?
- 20 A. Yeah, he said something like, and again this isn't --
21 sure I have got the words exactly right. It was: use
22 the SO12 team, you can get the SO12 team to stop him,
23 you can use SO12.
- 24 Q. Was he speaking to Commander Dick when he said "use",
25 that's who he is talking to?

- 1 A. Yes.
- 2 Q. Was there then a short pause?
- 3 A. There was, yes.
- 4 Q. What happened then?
- 5 A. And then Commander Dick ordered S012 officers to stop
6 the suspect and stated he must not get on the tube.
7 This was then --
- 8 Q. I am sorry, just a moment. Again, you have used the
9 word there again that now it's the S012 officers who are
10 to stop the suspect, and she says he mustn't get on the
11 tube. Again, does that constitute your best
12 recollection of the words she used?
- 13 A. That's my best recollection, yes.
- 14 Q. Right. Was that information or that instruction passed
15 on, those instructions passed on?
- 16 A. Yes, by Pat, from the control room to the surveillance
17 team.
- 18 Q. On a radio?
- 19 A. Sir.
- 20 Q. Right. So last information from Trojan 80 is that his
21 team not going to be able to get there in time; did that
22 change?
- 23 A. It did, sir, yes.
- 24 Q. Yes?
- 25 A. Within a very short time, and I do mean seconds, after

1 the instructions around using the S012 officers,
2 Trojan 80 stated S019 were now able to deal, and for
3 S012 officers to be told that S019 would deal.

4 SIR MICHAEL WRIGHT: I appreciate that you are relying on
5 your written statement, obviously, nobody is blaming you
6 for that, but "able to deal"; do you think that that
7 would have been the actual words he used?

8 A. That's what I have written down here, because I think
9 those were the types of words he was using, yes. You
10 know, "we are able to deal", "we will deal".

11 SIR MICHAEL WRIGHT: It's the sort of phraseology a police
12 officer might use in such circumstances?

13 A. Yes.

14 SIR MICHAEL WRIGHT: Very well.

15 MR HILLIARD: So S019 now able to deal and for S012 officers
16 to be told that S019 would deal; right?

17 A. Sir, yes.

18 Q. Did Pat say anything?

19 A. Yeah, he said they were already down the tube, the
20 surveillance officers that were, so couldn't be
21 contacted.

22 SIR MICHAEL WRIGHT: Mr Hilliard, I am going to give you
23 a question that I have got from a member of the jury.
24 I am not entirely clear exactly what the juryman has in
25 mind.

1 MR HILLIARD: Can I just get to the end?

2 SIR MICHAEL WRIGHT: Of course.

3 MR HILLIARD: Because it's quite difficult at the moment --

4 if I just get to the end then I really will deal with

5 it.

6 So S012 officers to be told that S019 would deal,

7 and then Pat says they are already down the tube?

8 A. Down the tube, so couldn't be contacted.

9 Q. So what was the response to that, in the operations

10 room?

11 A. Well, it then went fairly quiet for a couple of minutes.

12 Once we are in that position there, out of contact, it's

13 really down to those which are dealing with things on

14 the street. So it went quiet for a couple of minutes.

15 When information was received from Trojan 80 after that

16 short period of time, that the person had been shot.

17 Q. As you understood it, what had happened, that S019 and

18 S012 had all gone down the tube?

19 A. Yes, that's what was my assumption at the time.

20 Q. Presumably having both teams, many of whom are armed,

21 and who may not know each other, in the underground and

22 out of communication is obviously very undesirable

23 indeed, isn't it?

24 A. Again, it's not something you would choose to do if the

25 S012 officers think they are dealing with it. It

- 1 wouldn't be unusual for obviously armed officers to be
2 working with surveillance officers per se, but if the
3 surveillance team's gone down there thinking that they
4 may well be dealing with, then yes, it's not ideal.
- 5 Q. Do you remember ever hearing it made plain that, as it
6 were, the order in fact was being changed and that S019
7 should now deal with it? Can you remember that at all?
- 8 A. I don't recall it. In my mind that is what happened
9 because that's why the instruction went out on the --
10 that's why Pat said, "We can't speak to them now",
11 otherwise he wouldn't have said, "I can't get hold of
12 them".
- 13 Q. So as you say, there is then quiet for a couple of
14 minutes, and then the information from Trojan 80 that
15 the person's been shot?
- 16 A. Yes.
- 17 Q. Apart from the questions which I'll deal with in
18 a moment, I just want to come to another topic. Do you
19 remember anything being said whilst you were in the
20 operations room about the running or non-running or
21 diverting of buses?
- 22 A. I do, sir, yes.
- 23 Q. What stage, first of all, would this have been at?
- 24 A. This would have been before the 8 o'clock meeting --
- 25 Q. The 8.10 meeting?

- 1 A. Yes, the 8.10 meeting. As I recall, while I was writing
2 my notes up for the authority.
- 3 Q. Right, and what was being said and who by?
- 4 A. Obviously I was sitting at that stage -- it's gone off
5 the screen now -- the seats on the right-hand side.
6 I think I was even sitting at C1 as I recall. Just
7 making my notes. Within the room they are talking about
8 the, as I recall, the proximity of one of the bus stops
9 to the address, and that if the person --
- 10 Q. Can we pause a minute so we are absolutely clear, to
11 which address?
- 12 A. Scotia Road.
- 13 Q. So somebody is talking about the proximity of a bus stop
14 to Scotia Road, yes?
- 15 A. And that the surveillance team had concerns that if he
16 came out of the address, that bus stop was fairly nearby
17 so he might, the suspect might get on the bus before
18 they had enough time to get a follow in place. So while
19 they were discussing it, I just threw in a suggestion,
20 which was: was there any value for that one bus stop
21 suspending it. They then had a discussion around that,
22 and I think they put that to the surveillance team and
23 I was asked to see if I could look at it.
- 24 I actually had a friend that worked within the
25 police side of Transport for London, so I got their

1 phone number and texted them to find if they were on
2 duty. They then put me in touch with somebody in that
3 same control room, I think it was, to see whether it was
4 possible to suspend the bus stop. I am not sure whether
5 they could suspend it but there was an option to move it
6 further down the road which may well have helped the
7 surveillance teams. I did that outside of the ops room.
8 First of all so I could get the phone number. Then
9 I came back in and gave the phone number to somebody in
10 the control room.

11 Q. Who was having the discussion?

12 A. At that stage there weren't that many people in there.
13 I believe it was between the surveillance monitor,
14 the --

15 SIR MICHAEL WRIGHT: Pat, you mean?

16 A. Sorry, Pat, whoever the ops room manager was, which was
17 a DS I do not recall -- I know the name, I just haven't
18 got it on here -- and I think there may have also been
19 at that stage a surveillance co-ordinator, but I am not
20 sure exactly. I had my head down making notes and
21 I just heard the conversation and thought that might
22 be -- remove that area, sort of, barrier to success.

23 MR HILLIARD: You effectively get a contact number and then
24 you pass that on to somebody else; is that right?

25 A. Yes.

- 1 Q. Who was it you passed it on to?
- 2 A. I don't recall, I think it was the ops room manager.
- 3 Q. Is this right, you help us, at that time as you
4 understood it, no definite decision had been made about
5 the merits of it? Were you simply exploring it as a --
- 6 A. Apart from I was in there at that stage, because at this
7 stage here, obviously Commander Dick wasn't there at
8 this stage, as I recall; this was just an ops room for
9 the surveillance tactic, in terms of giving them greater
10 ability to manage the incident, and I -- because it was
11 just what was then a quick solution, I don't recall
12 whether they were actually going to do it, the option
13 straightaway or whether it was something that they would
14 then consider doing.
- 15 Q. Look at it a bit more. All right.
- 16 A. As I recall, I just handed over the number and said:
17 they can do it and if you have any problems give them
18 a ring.
- 19 MR HILLIARD: Thank you, I'll need the question now.
- 20 SIR MICHAEL WRIGHT: First of all I can ask the witness
21 directly: when the word came through that the suspect,
22 the person who had been followed down the escalator had
23 been shot, what was the general reaction in the control
24 room?
- 25 A. Well, there was shock in the control room. Obviously

1 it's not something that many people have -- actually
2 deal with, and I am not sure if it's exactly at that
3 moment or a few minutes later, but again I can recall at
4 least a couple of officers doing a bit of deep breathing
5 and just getting themselves together, you know. It was
6 shock.

7 SIR MICHAEL WRIGHT: It may not have been something that
8 could have been asked at that very early stage, but did
9 anybody raise the question at that point as to whether
10 this was a confirmed suspect?

11 A. I don't recall whether that was raised at that stage.
12 Pretty much straight after we found out there had been
13 a shooting, I was on the phone to local officers.

14 SIR MICHAEL WRIGHT: To deal with the situation that then
15 arose?

16 A. Yes.

17 SIR MICHAEL WRIGHT: The other question, Mr Hilliard, is the
18 one I am going to give you, because I am quite sure it's
19 something this witness can't deal with, because you are
20 not a firearms officer. Thank you.

21 Ladies and gentlemen, I am not discouraging you from
22 asking questions, not in the least, but it would be very
23 helpful if you just stopped to think for a moment about
24 who the witness is and what the witness is dealing with.
25 A question has been asked about firearms practice and

1 this officer simply can't deal with it. It's not me
2 that's answering the questions, it's the witness, so if
3 you pause and think about it, can this witness deal with
4 it, and then maybe just hold it back a bit.

5 MR HILLIARD: I'll read it out because it's helpful,
6 I think, for everybody if they are read out.

7 The question is:

8 "Is it standard practice for firearms officers to
9 carry out instructions such as stopping a suspect even
10 when they know that the suspect is not their target?"

11 I'll hand that back so it can go into the file. We
12 can take that up.

13 SIR MICHAEL WRIGHT: That's obviously something you can't
14 deal with at all?

15 A. I'll deal with it in the sense of --

16 SIR MICHAEL WRIGHT: No, not if you are not a firearms
17 officer.

18 MR HILLIARD: Can I just ask this, going back to the
19 question that you did answer: is this right, as far as
20 you were concerned on the state of knowledge that you
21 have told us you had, when you heard that he had been
22 shot, you hadn't ever heard anybody say more than: it
23 could be him.

24 A. That's all I recall hearing.

25 MR HILLIARD: Yes. Thank you very much.

1 SIR MICHAEL WRIGHT: Yes.

2 MR MANSFIELD: Sir, I am happy to continue, but --

3 SIR MICHAEL WRIGHT: That might be a good point. Ten past.

4 (3.03 pm)

5 (A short break)

6 (3.13 pm)

7 (In the presence of the jury)

8 SIR MICHAEL WRIGHT: Yes.

9 MR HILLIARD: Sir, it has been pointed out to me and

10 I readily accept it, that I was probably in error when
11 I was dealing with the whereabouts of the firearms teams
12 at a particular time. We will hear evidence about who
13 gets to the TA Centre and when, so I apologise both to
14 Mr Penny and Mr Stern, but we will put it right in due
15 course.

16 Questions from MR MANSFIELD

17 MR MANSFIELD: Good afternoon. My name is

18 Michael Mansfield. I represent the de Menezes family.

19 I do appreciate with each witness the length of time
20 that has elapsed and I am perfectly content if you wish
21 to look at your statement.

22 A. Thank you.

23 Q. So it's clear, I am going to concentrate really on the
24 vital period in your case, and I'll come back to the
25 beginning a bit later. The vital period I want to

1 concentrate on is really the meeting at 8.10 onwards.
2 So you have that on the second page of your statement.
3 I am not going through all the details.

4 So 8.10 in the morning, there is this meeting, and
5 just to remind the jury it's in the forward intelligence
6 cell right next to the operations room. So I am not
7 asking for plans in relation to that. So it's right
8 next door.

9 If you don't remember, say so, but there is nothing
10 in your statement about this aspect: before you went
11 into the meeting or at the start of the meeting, did
12 anyone say vis-a-vis Scotia Road: people have already
13 started leaving.

14 A. Not that I recall, and I wasn't in the room the whole
15 time but I don't recall that, sir.

16 Q. It's certainly not in your statement. Again, because
17 it's easy to forget and these times may be corrected but
18 this is as close as I can get it for the moment,
19 certainly at the start of the meeting, no one said:
20 there has already been two people leaving who haven't
21 been stopped; one is at 7.47 and 30 seconds, so about 20
22 minutes before your meeting; another one was roughly
23 7.55. You didn't know anything about those?

24 A. I don't recall that at all, sir.

25 Q. While you are in the room, the person who's supposed to

- 1 be taking decisions about the people leaving, do you
2 follow, that's Commander Dick --
- 3 A. Yes.
- 4 Q. -- smack bang in the time, and I appreciate there may be
5 approximate times in your case, but you have said this
6 meeting was in that room between 8.10 and 8.20 roughly?
- 7 A. Yes, sir.
- 8 Q. Because you have written them in there, so I will not
9 tie you to those precise times, it doesn't matter for
10 these purposes; did anyone come into the room and say:
11 look, someone else has left Scotia Road; and so it's
12 clear, the one I am referring to here, 8.16 and 30
13 seconds?
- 14 A. I don't recall that being said, sir.
- 15 Q. While Commander Dick, who is supposed to be taking the
16 executive decisions, is in the room, who is taking the
17 decisions in the operations room next door?
- 18 A. At this stage here all I can say is this is an S013-led
19 operation, and it's for the Anti-Terrorist Branch would
20 be running things, they would be looking to make the
21 decisions. Prior to this, there were -- to my knowledge
22 S013 were having a meeting to discuss what the tactics
23 were. I can't give you the detail of that, sir.
- 24 Q. I appreciate you all have your, as it were,
25 compartmentalised responsibilities, but as we are being

1 led to believe that once Commander Dick comes on the
2 scene, she is in charge; is that right?

3 A. From the 8.10 meeting that was the impression I took,
4 sir, yes, and I believe that to be the case.

5 Q. What about before the 8.10 meeting?

6 A. Again at that stage there, it wasn't clear to me exactly
7 what the roles were, but I had a very specific role in
8 this, and I am, without trying to bail out here, I can't
9 say what those roles were.

10 Q. All right.

11 SIR MICHAEL WRIGHT: Was the door left open between the
12 forward intelligence cell and the control room?

13 A. I am sorry, I don't know.

14 SIR MICHAEL WRIGHT: That's all right.

15 MR MANSFIELD: All you can say, then, on reflection is you
16 certainly don't recall any either drawn-out discussion
17 or hurried discussion about people leaving during this
18 period of time?

19 A. I don't recall that, sir.

20 Q. No, all right, and either Boutcher coming to Dick or
21 Dick going to Boutcher, you don't remember anything like
22 that going on?

23 A. No, sir.

24 Q. It bears upon something that did happen during the
25 meeting, you see. Just a couple of things. If you turn

1 over the page, you are now at the top of the next page,
2 having made it clear that Commander Dick was going to
3 take decisions, although with the assistance of
4 Mr Boutcher, the last witness:

5 "The meeting also agreed that the S013 Silver
6 firearms commander would perform this role for all the
7 firearms officers..."

8 Now, who was that?

9 A. Erm --

10 Q. You can use -- be careful -- names of some, I know.

11 A. I know his name, I don't know what his codename is.

12 Q. Right.

13 SIR MICHAEL WRIGHT: Isn't the answer, Mr --

14 MR MANSFIELD: I can put two names, and see if it's either
15 of those.

16 SIR MICHAEL WRIGHT: Yes.

17 MR MANSFIELD: Mr Purser?

18 A. That isn't who I believe it to be, no.

19 Q. Mr Rose?

20 A. I apologise, I have got his first name.

21 Q. Merrick?

22 A. Yes.

23 Q. I see, he is called Merrick by a lot of people.

24 Merrick Rose. So he was going to be the Silver firearms
25 commander for what?

- 1 A. Any deployment of firearms. I mean, as time goes by --
2 sorry, my notes here are in relation to the Silver for
3 SO13 was prior to the 8.10 meeting. Obviously they may
4 well end up with more than one firearms Silver,
5 depending on how they decide to do their operation. I
6 don't know the detail about that.
- 7 Q. Your understanding at this meeting is that Mr Rose is
8 going to be a firearms Silver covering all firearms
9 deployments in the sense of firearms with surveillance
10 as well as firearms with the firearms teams?
- 11 A. If there happened to be a deployment, yes.
- 12 Q. Again, I am keeping out of firearms for the moment
13 because you don't appear obviously to have taken
14 a particular interest in that. Then we get to strategy
15 under that in your statement. You have been asked some
16 questions on this. I am asking you because you took
17 responsibility for writing it up on the board. Is that
18 because no-one else was going to or you just thought it
19 was a useful thing to do or what?
- 20 A. I think it was a useful thing to do. Somebody would
21 have done it at some point. I was standing next to
22 Commander Dick. I had written it down here what they
23 were, and I felt it was -- needed to be put on the board
24 so it could be seen by everybody, and it's something
25 which would then be maintained throughout the time.

1 Q. You are not entirely isolated in this way, because you
2 are the one who's given directed surveillance authority,
3 so there is a background to this.

4 Now, what you were writing up on the board really,
5 under the heading of "Strategy", was the public safety
6 aspect and controlling both addresses and so on. It's
7 the bit about "where possible take people away from the
8 addresses and detain, arrest the suspects and search and
9 secure the addresses".

10 Did you understand, when you wrote it up and from
11 the discussion or both, that actually there are two
12 categories of people here. There are people who are
13 going to be taken away from the addresses and detained,
14 who might then be arrested if they are suspects; but
15 then there are others who might not be arrested because
16 they are not suspects; is that right?

17 A. That's correct.

18 Q. In relation to those two categories, who was going to do
19 the detaining?

20 A. I am sorry, I don't know the answer to that.

21 Q. Well, did anybody discuss it in the meeting?

22 A. Not that I recall.

23 Q. If they didn't discuss it, you stick it on the board,
24 what are the people on the ground supposed to understand
25 they have to do? In fact the officers for whom you have

1 some responsibility because you have given them directed
2 authority to carry arms, what are they supposed to be
3 doing?

4 A. The surveillance officers wouldn't themselves do the
5 detaining in normal circumstances, so when I have given
6 my authority, this is around, following the person to
7 gather that intelligence, to take them away to
8 a distance, allowing then Commander Dick, with the
9 support of Detective Superintendent Boutcher, to make
10 a decision around where to stop; and they have got their
11 own officers and I can't say now who they were going to
12 use. They would not be using normally my officers to do
13 that.

14 SIR MICHAEL WRIGHT: Your officers, we have been told, would
15 not ordinarily want to get involved in detaining or
16 arresting anybody, because they are Special Branch
17 officers, and they need to maintain their cover?

18 A. As soon as they have detained somebody, it can have two
19 impacts: it will stop us using those officers again on
20 that operation; and also if we have stopped somebody, we
21 have shown out in terms of the operation itself and it
22 could jeopardise the operation, so it would not normally
23 be something we would choose to do.

24 SIR MICHAEL WRIGHT: We have heard, certainly we have heard
25 one example, that if somebody was going to be detained,

1 not arrested because they weren't a suspect, but the
2 officers who would do that in this context would be the
3 anti-terrorist officers, S013; do you agree with that?

4 A. Yes.

5 MR MANSFIELD: Was that aspect discussed in the meeting,
6 using anti-terrorist officers?

7 A. I don't recall that side of it, sir. I was there for
8 that one task from Commander Williams to a large extent;
9 Detective Chief Superintendent Sait, who was also from
10 the Special Branch, was in the room at that time.

11 Q. What was his function?

12 A. At that stage, in terms of S012, he was the leading
13 senior officer there, and there were three S012 officers
14 there and I was -- I received a phone call the night
15 before, from Commander Williams, to drive that area.

16 Q. Well, Sait is certainly a name that's been mentioned, so
17 he is there. Is he the most senior of the
18 Special Branch officers there?

19 A. Yes, sir, he is.

20 Q. Just going on from the fact, as we have heard many
21 times, that Special Branch officers wouldn't engage in
22 arresting or detaining and/or arresting, therefore
23 I have to ask you this: if someone left the premises as
24 someone did during this meeting or later, who in fact
25 was thought to be a suspect or a possible suspect, and

- 1 S012 don't get engaged in detaining or arresting, what
2 was going to happen? Was there a plan?
- 3 A. I can't give the details of the plan. I would expect
4 them to inform the SIO because it's their strategy in
5 terms of what they are going to do with people coming
6 from the address.
- 7 Q. Yes, but what was the contingency at between 8.10 and
8 8.20? Firearms teams hadn't even got to
9 Nightingale Lane, but you may not have known that. What
10 was the contingency discussed at 8.10 if a possible
11 suspect -- which of course is the category you heard
12 de Menezes being described as -- if someone like that
13 came out?
- 14 A. I am sorry, I wasn't involved in those discussions and
15 I am not aware what they were.
- 16 Q. You don't have any recollection --
- 17 A. No, sir.
- 18 Q. -- of it being discussed. If I can shoot forward a bit,
19 the learned Coroner asked you about S012. There came
20 a time when of course S012 were instructed to do a stop?
- 21 A. (Witness nods)
- 22 Q. Right?
- 23 A. Yes, sir.
- 24 Q. In relation to that, can you help us, if in fact it had
25 not been countermanded, in other words that C019 were

- 1 going to take over, the officers we know in the
2 surveillance who were very close at that point were
3 armed, all right, they were armed surveillance officers.
4 Now, they are plainly trained in the use of the arms
5 that they carry; yes?
- 6 A. Yes, sir.
- 7 Q. The authority you have given was to protect themselves
8 but also to protect the public?
- 9 A. Yes, sir.
- 10 Q. They do have some training in Kratos, do they not, some
11 awareness?
- 12 A. They have awareness, sir, yes.
- 13 Q. Whilst it's not desirable, plainly they would be capable
14 of making a detention and an arrest if necessary?
- 15 A. Any police officer can make an arrest. You would prefer
16 not to do that, but in answer to your question, yes, it
17 is an option.
- 18 Q. Just going on with this particular period of time, I am
19 now getting to the crucial period, if I may, where --
20 9.34 onwards, it's that period.
- 21 A. Sir.
- 22 Q. Now, who is the person responsible for ensuring that the
23 operations room has a sufficiency of aids and
24 accessories? Is it you or is it the Special Branch
25 operations manager?

- 1 A. Within the room itself, the operations manager ought to
2 make sure the room is running effectively. I would have
3 a Chief Inspector there as well, and ultimately if there
4 is something that they are not happy with, they should
5 come and speak to me and I would try and resolve it.
- 6 Q. I just want to ask you one thing. It may not be your
7 responsibility. One of the, I suggest, very simple aids
8 would be a visual aid like a map; all right? Did
9 anybody, including yourself -- you have been thoughtful
10 enough to write up strategy -- had you thought: it might
11 help everybody if we had a map of what is going on here.
12 They are quite easy to obtain, aren't they?
- 13 A. Yes, sir.
- 14 Q. And there is a system called Map Info, isn't there?
- 15 A. There is, sir.
- 16 Q. I hope I am not breaching any security here. Whereby
17 you could have got a map covering the very areas that we
18 are dealing with, Scotia Road, Upper Tulse Hill,
19 Tulse Hill, down to Brixton and then on to Stockwell.
20 That would have been pretty straightforward?
- 21 A. Yes, sir.
- 22 Q. There were enough people in the room, I am not going on
23 exact numbers, you have already given us a clue, for
24 somebody to have been, as it were, near the map if
25 necessary in a very old-fashioned way marking it up but

1 there may be other ways now, certainly on computerised
2 maps, of actually marking up and tracking first of all
3 the de Menezes route; yes?

4 A. Sir.

5 Q. That's possible, and now I am coming on to the much more
6 important, I suggest to you, situation, and I'm going to
7 deal with it globally. Is it right to say that
8 throughout this period, 9.34 through to roughly
9 10 o'clock, nobody in that room actually knew precisely
10 where any of the firearms team were; is that right?

11 A. I certainly didn't, and I am not sure whether anybody
12 else did.

13 Q. Leave Trojan 80 to one side, all we know is he is on the
14 phone to somebody, a fair assumption probably firearms
15 officers, but he never said as far as you remember:
16 look, the firearms people are stuck in traffic wherever,
17 or they are just coming up to the junction or -- nothing
18 like that was ever said, was it?

19 A. I don't recall anything like that, sir, no.

20 Q. The only thing you remember is Trojan 80 raising his
21 voice, perhaps, or saying, you know: what do you mean,
22 you can't get there; you remember that?

23 A. I do, sir, yes.

24 Q. Did anybody say, especially when it's being made clear,
25 perhaps in slightly different language, to

1 Commander Dick by Trojan 80 in your hearing: they can't
2 get there, they are unable to deal or whatever the word
3 may be; did anybody say: well, where are they.

4 A. I certainly didn't recall hearing that, sir.

5 Q. These are not clever questions, with hindsight, are
6 they?

7 A. No, sir, I mean, at the time, this is a very short
8 period of time, the Trojan 80 said: they are not
9 available; we have got Detective Superintendent Boutcher
10 giving an alternative option; and the timescale in terms
11 of Commander Dick making a decision, it was very short
12 in time.

13 Q. I appreciate. But then fast time intelligence and fast
14 time decision-making is, you know, meat and drink, if
15 I can put it, for police officers. I am not
16 underplaying it, it's just this is how it works. So
17 that question wasn't asked.

18 Now, the vital order, and you can look at your
19 statement by all means, I am coming to the very -- we
20 have the to-ing and fro-ing and so on. First it's S012
21 and then it's back to S019. You actually in the room,
22 standing pretty nearby, you don't recall any order from
23 Commander Dick directed to S019, do you?

24 A. The -- Commander Dick said she wanted S019 to stop the
25 person being followed. It was at that stage when

1 Trojan 80 said they couldn't get there, but I don't
2 recall anything after that.

3 Q. This is quite important because that may be what she
4 wanted, but the question was, and is this right, you do
5 not recall, standing in the room as you were, any
6 command or order, however it's phrased from, from
7 Commander Dick to SO19 to stop, after that?

8 A. Apart from that one there, no, I don't recall one.

9 Q. Is it possible -- it's not a criticism, please
10 understand -- is it possible that you didn't hear it
11 because of noise levels in the room?

12 A. It is possible because I am standing by the surveillance
13 monitor and they were all between the C seats and the
14 far S seat, so they were standing in that bit where --
15 and yes, it is possible I didn't hear it.

16 Q. Right. These are, again, rather fundamental questions
17 and I may have got it entirely wrong, but we have
18 a monitor called Pat who is listening to surveillance.
19 Is there another monitor listening to firearms squad,
20 firearms teams' radio traffic? Do you follow me? On
21 the console in the middle of the room. The jury have
22 seen that. I don't ask that we look at that again. In
23 the middle of the --

24 A. Those consoles are for the surveillance monitors, and
25 I think we had three of those there and I think the

1 fourth one, the fourth spot, there was a loggist there.
2 I don't think we had the capability in the room at the
3 time to do that.

4 Q. So no capability in the room to do what the surveillance
5 monitor was doing, and that is tracking firearms
6 officers and -- because the point I am coming to is
7 obviously here we have Trojan 80 relaying information,
8 whether it's about it's not the suspect or we can't do
9 it and now we can, those kind of things, there is not
10 a separate monitor on that console dealing with that?

11 A. No, sir, he was doing that on his mobile phone, as
12 I recall.

13 Q. Right. Not entirely satisfactory, is it, doing it that
14 way?

15 A. It's not ideal. Obviously as with all operations, we
16 are improving our facilities, and this was a move away
17 from where we were before in terms of our risk to(?)
18 international.

19 Q. I understand that. Just one further question in this
20 area. The person who you did have there, Pat, there was
21 a monitor, obviously we have heard about it, and you can
22 see what was coming up on his screen either most of the
23 time or some of the time; there was a running log in the
24 operations room, wasn't there, electronically?

25 A. There was, yes, sir.

- 1 Q. Did you ever look at it yourself?
- 2 A. I looked at it at certain times. I can't say whether
3 I have been looking at this stage or not.
- 4 Q. All right. I ask you this question: what is the point
5 of that running log, as far as you know.
- 6 A. It's used for a number of things but one thing is it
7 does allow, the way that log is often used by Special
8 Branch, it does allow other people to see a view of
9 what's going on, and if they are taking over the next
10 shift, they can actually use that as a starting point in
11 terms of information.
- 12 Q. It's also important, isn't it, potentially for informing
13 the decision-maker, in case they have forgotten because
14 it's fast-moving; can you scroll back or whatever, I
15 just want to see what's happened, that sort of thing?
- 16 A. Yes, it can be, yes.
- 17 Q. So it can be used like that as well. Right.
- 18 SIR MICHAEL WRIGHT: If you are moving on, just can I ask
19 a point that's been raised by the jury?
- 20 MR MANSFIELD: Yes, certainly.
- 21 SIR MICHAEL WRIGHT: We know, you have told us, that you
22 have the monitors listening through their earphones, you
23 have Mr Esposito, Trojan 80, on his mobile phone. Would
24 Commander Dick be using a telephone at all?
- 25 A. I recall her speaking to somebody on the phone a couple

1 of times so she would have access to a phone in there,
2 yes.

3 SIR MICHAEL WRIGHT: Basically would she be using a phone or
4 simply listening to what she was being told in the
5 control room?

6 A. I think she did speak to people on the phone and I think
7 that did give some direction or guidance, but I wasn't
8 really standing next to her.

9 SIR MICHAEL WRIGHT: That's not the point of the question.
10 The point of the question is that if she was spending
11 time on the phone --

12 A. Oh, I see.

13 SIR MICHAEL WRIGHT: -- how easy would it be for anybody
14 else in the control room who had any particular anxiety
15 or something he wanted her to deal with, how easy would
16 it be for him or her to have got in touch with her?

17 A. She has a loggist. She also had
18 a Detective Superintendent with her.

19 SIR MICHAEL WRIGHT: Boutcher?

20 A. No, as I recall, she had --

21 MR MANSFIELD: Cummings.

22 A. Yes, thank you, again who are there to support her.

23 SIR MICHAEL WRIGHT: And of course Boutcher --

24 A. Indeed, yes. So you could go and speak to them and that
25 would then make sure the message got to her.

1 SIR MICHAEL WRIGHT: And get them to pass the message.

2 A. Yes.

3 SIR MICHAEL WRIGHT: Thank you.

4 MR MANSFIELD: It's not unrelated to that question, I don't
5 think, and it's a question I have raised with a former
6 witness before you.

7 Was there a facility in the control room, when we
8 get to a sensitive and important time like this, 9.34
9 onwards, half an hour, 20 minutes odd, is it possible at
10 that point for someone -- and I ask you because you are
11 intel, as it were -- to have said: right, I now want
12 a little bit of silence; I am also going to have
13 surveillance radio traffic broadcast in the room so
14 everybody can hear what is being said by surveillance
15 officers, who at that point are in control, firearms
16 haven't been ordered to do anything.

17 Now, is that possible? Was that possible, sorry?

18 A. It is now.

19 SIR MICHAEL WRIGHT: It means loud speakers, presumably?

20 A. I can't recall. It's not something again we would
21 normally do, because you have more than one surveillance
22 monitor doing things, so if you start to denominate --
23 I understand obviously we are at a key point there.

24 MR MANSFIELD: I am not suggesting all the time. It's just
25 when you get to: here is a possible suspect; so it's not

1 everybody who leaves, I am not asking that, it's just
2 that where you get to this.

3 A. I know you can now. I can't remember whether you could
4 then. It's not something that I considered at the time
5 doing, and yes, obviously I could have shouted,
6 "Everyone be quiet", and I think later on in the day,
7 the noise volumes were high at certain times and that
8 was said.

9 Q. Because one of the most important things in that room is
10 to ensure clarity, isn't it?

11 A. Sir.

12 Q. And no confusion and misunderstandings, but the person,
13 especially the directing officer, Commander Dick, she
14 needs to be able to hear clearly what exactly is going
15 on, and she also needs to be able to give very clear
16 instructions, doesn't she? That's pretty basic?

17 A. We make sure we have surveillance monitors who are good
18 at their role. They are recording the notes and they
19 pass on the relevant information. If you have it so
20 that the radios are going the whole time, that could
21 again dominate the room with the surveillance
22 conversations without picking out the key bits so there
23 is a balance.

24 SIR MICHAEL WRIGHT: Presumably you could have two
25 surveillance officers talking at once?

1 A. The way the teams work, is that you would -- you know,
2 there is somebody that will control what's being said,
3 but yes.

4 SIR MICHAEL WRIGHT: Yes, but here we know that there were
5 three teams out --

6 A. Sorry, yes.

7 SIR MICHAEL WRIGHT: There was two at Scotia Road, red and
8 grey, and one out at Portnall Road. As it happens
9 nothing was happening at Portnall Road just then, but
10 you could always have more than one surveillance officer
11 coming on at the same time?

12 A. In terms of the monitors, they are listening to the
13 different surveillance teams.

14 SIR MICHAEL WRIGHT: I know, but I'm thinking about Mr
15 Mansfield's point.

16 A. In terms of in the room, absolutely, yes.

17 SIR MICHAEL WRIGHT: I don't see how it could be done,
18 myself.

19 MR MANSFIELD: You do have different channels and you do
20 selection, so you only have the broadcast of the
21 surveillance officers, let us say, it starts with red;
22 and to use the phrase that I think you use or somebody
23 uses, the next eyeball officer is grey and then the next
24 eyeball officer is somebody else; so the ones back at
25 the farm, as they say, the ones back at Scotia Road are

1 not involved at that point, are they, because they have
2 moved on down to the bus and they are further on.

3 Do you follow all that?

4 A. I do follow but again in terms of coming into the
5 control room, you know, the system that has worked is
6 that surveillance monitor is experienced, and again it's
7 making sure we get the key information because if you
8 had that noise going on the whole time, there is dangers
9 then, conversations inside again may not be heard, and
10 it then starts to impact on other people's thoughts.

11 Q. I know it's what's happened now, but you do now have
12 this facility?

13 A. To be able to hear?

14 Q. Yes?

15 A. As I understand, yes. I don't work in there now, so I'm
16 sorry.

17 Q. I will leave that. Now, just some preliminary matters
18 before this period. These are just right at the
19 beginning and they are fairly straightforward questions,
20 really. When you first came to New Scotland Yard, there
21 is no question that there was a sense of urgency
22 communicated to you; correct?

23 A. That's right, yes, sir.

24 Q. Then you set about writing up the authorities. Did you
25 actually know at the point that you were doing this,

1 writing out the authorities, that the first team -- that
2 is the red team -- were just about to depart? It's not
3 in your statement, but look at your notes by all means.
4 They were in fact having a briefing roughly 5.40 in the
5 morning, and we know they got to Scotia Road by 6.04 so
6 that's pretty good going, isn't it?

7 A. I was aware of that, because the reason why I did the
8 surveillance -- sorry, the firearms authority first was
9 to allow them to scramble, and I think they were
10 deployed at 6.04 because they couldn't do it until I had
11 actually written up my authority at 6 am as I recall.

12 Q. It's possible they got down there before and couldn't
13 actually start the work until the authority came
14 through?

15 A. It is possible. I don't know whether that happened, but
16 they are very clear whenever you deal with them that
17 they are not going to do anything until they have had
18 their authorities.

19 Q. Quite right. I don't ask for the documents. We can
20 probably do it without. I am looking at the directed
21 surveillance authority which you do second, all right?

22 A. Yes.

23 Q. Appreciating that this is directed to subjects and the
24 two subjects you mention are Omar and Osman, but
25 interestingly throughout the -- you can have it if you

- 1 wish, just to look through -- whole of the document,
2 only one address is actually mentioned, isn't it?
- 3 A. That's correct, sir, yes.
- 4 Q. It's Scotia Road, and it's put down effectively as being
5 the place that both people reside, isn't it?
- 6 A. It is, on the -- I forget which form, page it is, but
7 that's correct.
- 8 Q. It's the third page, if you want to check that.
- 9 A. No, I recall it from the screen, sir.
- 10 Q. There is also a risk assessment and so on, and the same
11 thing happens, it's the two individuals and that address
12 that gets mentioned; is that right?
- 13 A. Yes, sir.
- 14 Q. At about this time, that is the time you are in there
15 writing these up, you have also, as it were, talked to
16 another individual besides DCI Noel Baker, somebody you
17 name in your statement by code, and if you want the
18 page, it's the second page right at the top.
- 19 A. Yes, sir.
- 20 Q. Do you see? I'm not asking about the names of the next
21 person, because it's not relevant for this purpose.
- 22 A. Yeah.
- 23 Q. Now, Alan. Did you know Alan when you saw him at
24 5.30ish? Or did you not see him?
- 25 A. I am not sure if I saw him bang on 5.30 but I saw him

- 1 that morning early on, yes.
- 2 Q. You did?
- 3 A. Yes.
- 4 Q. Did you know him before that day?
- 5 A. Yes, I knew him, not in a great deal of detail because
- 6 E Squad wasn't my area, so I knew him to say hello to,
- 7 but he is not somebody I had worked with before, before
- 8 the --
- 9 Q. Again, I'm not going to trespass; E Squad, did you say?
- 10 A. Sorry, E Squad, yes. E Squad is, in old Special Branch
- 11 money, E Squad was the international side of the inquiry
- 12 team.
- 13 Q. What did you understand at the point that you spoke to
- 14 him at 5.30 he was doing? What was his role, do you
- 15 happen to remember?
- 16 A. As I recall, he at that stage was going to be the Silver
- 17 for the firearms for the special -- for the surveillance
- 18 teams at that stage.
- 19 Q. So he was Silver with responsibility for firearms
- 20 deployment, in other words implementing a strategy that
- 21 had been set for the surveillance?
- 22 A. Yes.
- 23 Q. So it means, does it, that there has -- if you can't
- 24 help on this supplementary -- if he is Silver for that
- 25 purpose, does it mean there has to be another Silver

1 dealing with the firearms?

2 A. There was at that time, yes. That was the Merrick ...

3 SIR MICHAEL WRIGHT: Merrick Rose.

4 A. Yes.

5 SIR MICHAEL WRIGHT: That's his actual name.

6 A. Sorry.

7 MR MANSFIELD: So Merrick Rose comes in, I just need to, as

8 it were, pin it down, because we are trying to find out

9 who took decisions and when they come; it looks as

10 though therefore at 5.30 Alan is doing the surveillance

11 firearms, and Merrick Rose is doing the firearms

12 firearms.

13 A. I have in my notes that obviously as I said Alan is

14 doing his bit and I have here:

15 "S013 Merrick is the Silver firearms for the overt

16 side of policing".

17 As in not the surveillance teams, and then by this

18 stage I have got S019 with Vince now as the tac adviser,

19 and then it was at the 8.10 meeting --

20 Q. Vince is Esposito?

21 A. Sorry, yes.

22 Q. Because the jury, I don't think, have heard him called

23 Vince before. Vince Esposito, Trojan 80 who takes over

24 as the tac adviser, and I have left tac advisers out for

25 the moment for these purposes.

1 Do you know, or have some idea, so it being quite
2 difficult to pin the precise time, when did the blue
3 team of surveillance go to Portnall Road? Do you know
4 when they were actually deployed?

5 A. I don't, sir. Within the surveillance room we have
6 a surveillance co-ordinator, so again I would leave that
7 side of things to them.

8 MR MANSFIELD: Someone else, I will bear in mind. Thank you
9 for your help.

10 SIR MICHAEL WRIGHT: Thank you.

11 MR GIBBS: Sir, may I ask some questions about surveillance?

12 Questions from MR GIBBS

13 MR GIBBS: Officer, I represent the red and grey
14 surveillance teams. Just keeping it very simple, we had
15 up on screen on the one point the diagram of the control
16 room.

17 A. Yes.

18 Q. It's possible we might have that again. Do I understand
19 that you were positioned between Pat and the officers
20 Dick and Boutcher?

21 A. At the 9.30 time?

22 Q. Yes.

23 A. That's correct, yes.

24 Q. So that you were closer to Pat than they were?

25 A. I was, yes.

- 1 Q. You have described Pat as being calm and measured?
- 2 A. Yes.
- 3 Q. Were you trying to make sure that his voice could be
4 heard?
- 5 A. The first time I say he spoke he was heard clearly.
6 Obviously with the firearms tactical adviser saying that
7 it might not be him, when he spoke the second time
8 I wasn't certain and therefore that's why I repeated it
9 because I felt it was key information. But he was being
10 listened to, and again when
11 Detective Superintendent Boutcher was asking questions
12 of him, he was listening to the replies, I believe.
- 13 Q. Do you remember an order going out to
14 a Sergeant Dingemans, instructing him to engage in
15 an arrest?
- 16 A. No, sir.
- 17 Q. You don't remember that at all?
- 18 A. (Shakes head)
- 19 Q. He is an officer, I think, from S013, not a firearms
20 officer?
- 21 A. No, but again within the control room, the only sort of
22 radios that I would be hearing would be those to the
23 surveillance teams, so that instruction may have gone
24 out but it may not have been within my hearing.
- 25 Q. I just wondered what it was that made you think that

- 1 Pat's feed from the surveillance channel might not be
2 making its way through to officers Dick and Boutcher?
- 3 A. On the second occasion, because he had said it the first
4 time, you had then got the information from the firearms
5 that it wasn't him, and I felt that they were having
6 a discussion, Commander Dick and
7 Detective Superintendent Boutcher were having
8 a discussion around what they had heard so far, and
9 I wasn't sure that they had responded to what he said,
10 and that's why I repeated it.
- 11 Q. You had heard Mr Esposito saying that there was now
12 a negative identification?
- 13 A. Yes, he was clearly speaking to somebody on the phone
14 and said: they are saying it's not him.
- 15 Q. Did you find out later who it was he was speaking to?
- 16 A. No, I didn't, sir.
- 17 Q. Just one other very small point. Right at the end, and
18 as Mr de Menezes was going into and down the
19 Underground, you remember Pat passing an instruction to
20 the surveillance team that they should try to stop him?
- 21 A. Yes.
- 22 Q. I think it was suggested to you that Pat did that on the
23 radio?
- 24 A. As I recall, yes, sir.
- 25 Q. I wonder whether in fact you can recall this: that at

1 that time he was speaking to one of the surveillance
2 officers on his mobile telephone.

3 A. I don't recall, sir, I mean, it is a possibility,
4 I wasn't looking at him intently as to how he was
5 communicating.

6 Q. We know that he was able to monitor through his
7 headphones exactly what was being said on the
8 surveillance channel, but do you remember him also using
9 a telephone?

10 A. He did use a telephone at times, yes, sir.

11 MR GIBBS: Thank you very much.

12 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Stern?

13 MR STERN: No questions, thank you.

14 MS LEEK: No questions, sir.

15 SIR MICHAEL WRIGHT: Thank you very much. Mr Perry?

16 Questions from MR PERRY

17 MR PERRY: Thank you, sir.

18 Mr Johnston, I represent Commander McDowall as he
19 then was, Commander Dick as she then was,
20 Chief Inspector Esposito, Trojan 80, the firearms
21 tactical adviser, and Detective Chief Inspector Purser,
22 the Silver on the ground at Scotia Road. My name is
23 David Perry.

24 Mr Johnston, I just want to ask you some preliminary
25 questions first of all, please. You have told us as you

1 have been giving evidence that you have been referring
2 to a statement that you made on 8 November 2005?

3 A. Yes, sir.

4 Q. So the statement that you have made that you have relied
5 on to assist you, have you relied on it to refresh your
6 memory?

7 A. Today?

8 Q. Yes.

9 A. Yes, I have, sir.

10 Q. Don't think for a moment I am criticising you, it's
11 perfectly proper, and it's the right thing for you to do
12 because these things shouldn't be memory tests, but
13 I just want to see where we get to on that.

14 Your statement dated 8 November 2005, that's three
15 and a half months after the incident and almost three
16 years ago from today; is that right?

17 A. That's correct, sir, and it's made from some notes I did
18 contemporaneously and some notes I did afterwards.

19 Q. The notes that you did contemporaneously, they are
20 effectively trigger notes that assist you with the
21 statement; is that right?

22 A. They are, sir, yes, and I have used those on a couple of
23 occasions when I have answered questions.

24 Q. Thank you very much indeed for that. Apart from the
25 notes and the statement, do you have any clear

1 recollection of the events or are you largely dependent
2 upon the notes and the statements to assist you?

3 A. I mean, I don't think on an occasion like this you will
4 ever forget the day itself, so I can recall some parts
5 of it, but clearly in terms of the detail and what was
6 said, I wouldn't be able to -- I would need to refer to
7 my notes that I use today.

8 Q. That's perfectly fair and no-one is going to criticise
9 you for that, Mr Johnston, because the purpose of making
10 notes is to assist you; if you are like the rest of us,
11 when we go shopping we have to make lists and that sort
12 of thing, you forget. You are making notes to assist
13 you, and when you are making the statement from the
14 notes, it's three and a half months later?

15 A. Yes, sir.

16 Q. Of course at the time when you were making some of the
17 notes before the incident, you were not aware of what
18 was subsequently to happen?

19 A. That's correct, sir, yes.

20 Q. During that dramatic period of time, sometime after 9.30
21 until sometime after 10 o'clock, you were not making any
22 notes at all?

23 A. No, I wasn't making notes at that stage, it was only
24 subsequent to that, and again my notes were being made
25 in relation to my role on the day which was more limited

1 than others'.

2 Q. That's what I was going to ask you, because again -- and
3 please don't think I am criticising you, because I am
4 not -- you were focusing on your role, the part that you
5 played, and the functions which you had to perform?

6 A. Without doubt, and I made it very clear, I have known
7 Detective Superintendent Boutcher a long time and we
8 discussed that my team and me were there to support him
9 and that was the role I was performing; it wasn't a "I'm
10 going to start making decisions here", because that's
11 the role of the SIO and Commander Dick and I didn't want
12 to add to that confusion.

13 Q. You were on duty that day, you have told us, so we get
14 the framework, from about 5.30 in the morning until what
15 time in the evening?

16 A. I went home on the Monday at -- I think I went home on
17 the Monday about 2 o'clock, and then the superintendent
18 who was coming back from holiday then started passing
19 blood and had to go to hospital, so I came back about
20 two hours later, but apart from that, I hadn't gone
21 home, so it was just in and out of the odd hotel, coming
22 in to do authorities, et cetera.

23 Q. So you were effectively there from the Friday until the
24 following Monday?

25 A. Yes.

1 Q. The day that you have been telling us about is the
2 Friday?

3 A. Yes.

4 Q. You were there until the Monday?

5 A. Yes, sir.

6 Q. Save for these breaks?

7 A. Yes, sir.

8 Q. So of course when you then came to make your statement,
9 these three and a half months later, a considerable
10 amount had happened?

11 A. Without doubt, sir, and as I said, that's why within my
12 statement I haven't shown, you know, X specific quotes
13 because they can only be as broad as I can remember them
14 to be, sir, sorry.

15 Q. May I ask you then with that background just about some
16 topics, and the first I would like to deal with is the
17 8.10 am meeting in the forward intelligence cell. You
18 turn up at the operations room, there is the -- that's
19 around 8 o'clock and you go to the forward intelligence
20 cell for this preliminary meeting, which takes place in
21 this little room off the main room, and that's really
22 where the security services perform their roles. You
23 were asked the question earlier: is the door ever left
24 open. That would be very unusual, wouldn't it, with the
25 forward intelligence cell?

- 1 A. It is very unusual. I think there were a couple of
2 occasions post there that it was, but if I had to bet on
3 it I would say it wasn't but I can't recall.
- 4 Q. There is a combination lock on the door --
- 5 A. I think it's a swipe card.
- 6 Q. A security system, I should have said. The reason
7 that's there is because you have people from the
8 intelligence services, the security service, the secret
9 service, whatever you want to call it, they are dealing
10 with their role in this operation, gathering
11 intelligence; and the reason why the meeting takes place
12 in the forward intelligence cell is because the people
13 from those agencies have to be involved in the
14 discussions with the designated senior officer,
15 Cressida Dick; is that right?
- 16 A. Yes, that room effectively is almost the firewall to
17 bring forward into the control room relevant information
18 so we are still protecting that intelligence and, yes,
19 in terms of the space available, that was the most
20 appropriate room, I think, to do it in because it
21 ensured that all the relevant people could be there to
22 discuss those matters.
- 23 Q. Yes. But the questions I am going to ask you about this
24 meeting now, Mr Johnston, are directed to the answers
25 that you have given about whether there were discussions

1 in this meeting as to the respective roles of S012,
2 that's the Special Branch surveillance teams, and C019,
3 that's the specialist firearms teams?

4 A. Yes.

5 Q. You recall you were asked those questions --

6 A. Yes.

7 Q. -- well, was there a discussion; you couldn't provide
8 any details of any discussion.

9 Now, first of all, you have already told us that you
10 were there for your specific role, in other words --
11 just to remind everyone -- your specific role, you have
12 told us, was the gathering of intelligence, the analysis
13 of that intelligence and the passing on of relevant
14 information to the senior investigating officer?

15 A. That's correct, sir, and on that particular day, just
16 making sure that the additional resources which were in
17 there that day to perform that -- those roles, you know,
18 were joined up, which happened over time.

19 Q. What you are doing in an operation, information is
20 pouring in, and it effectively cascades down?

21 A. That's right.

22 Q. At each stage you hope that there is some analysis so
23 that by the time it gets through to those that need it,
24 it's been filtered so that they are not overwhelmed and
25 they don't get information indigestion and they can cope

- 1 with the information that's come through?
- 2 A. That is correct and we are only one part of that,
3 because again on the Anti-Terrorist Branch, while they
4 are doing their enquiries, that will also pick up
5 further information and intelligence which will be used.
6 So again this is about making sure it's, you know, we
7 are providing our part of the jigsaw into that.
- 8 Q. That's what you were concentrating on. Now, the
9 respective roles of S012 and C019, are you saying that
10 their respective roles, were not in fact discussed or
11 would it be better to say that you can't recall it being
12 discussed?
- 13 A. Yes. My position, I don't recall that being discussed.
14 Again, my bit was quite specific in terms of what
15 I wanted to do at that meeting. The priorities were
16 other areas, so again, I let those people who were
17 managing those areas have responsibility. They had the
18 floor and they dealt with them. I don't recall that it
19 was discussed but I am not saying it wasn't.
- 20 Q. Now, I just want to take it on and try to keep it in
21 order. The meeting in the forward intelligence cell
22 comes to an end, and Cressida Dick moves into the main
23 part of the information room; when I say the main part,
24 where the other police personnel are, the surveillance
25 monitors and people of that type.

1 Now, I just want to ask you if you can recall this
2 because I don't think it's in your notes or your
3 statement: can you recall that after the meeting in the
4 forward intelligence cell, you showed Commander Dick
5 around the room and explained who the people in the room
6 were?

7 A. I do recall I did that with several people, so yes, that
8 would be the case, I think.

9 Q. Because one of the roles that you performed was to
10 effectively explain to Commander Dick, because she would
11 not always know the identities of particular officers,
12 you explained precisely who they were and what their
13 function was?

14 A. That's correct, yes.

15 Q. You also pointed out the various white boards in the
16 operations room, I am not going to take time up going
17 into it now because I see it's 4.05 and I want to get
18 through this. We can look at it later in tranquillity
19 if we want to. We have these white boards in the room,
20 and on the white boards were written various things,
21 including the names of the subjects, Nettle Tip,
22 Regal Wave, which one was which, Osman, Nettle Tip?

23 A. I don't recall precise times but there would be more
24 than just written things there. Where we had
25 photographs or other papers, they would also be put up

1 there.

2 Q. That's all up there so the people in the room can look
3 at all of this information, so if someone says it's
4 Nettle Tip or they think it's Nettle Tip, it's right
5 there on a board, someone can look, they can see the
6 photograph, they can see who you are talking about?

7 A. Yes.

8 Q. Just as a matter of interest, because we have heard
9 about police officers using the word "subject" rather
10 than "suspect", that's because you might be interested
11 in a person who is a subject who is not a suspect?

12 A. Yes.

13 Q. So you always use the word "subject" and we might think
14 of it as being "suspect", but there is a particular and
15 precise reason why the police use it?

16 A. Absolutely. A lot of our time is about gathering
17 intelligence which will then lead to a suspect.

18 Q. Yes, and lead to a suspect through subjects?

19 A. Yes.

20 Q. Also on the white boards are the names of the Silvers;
21 when I mention Silvers in this context, the Silvers who
22 are the Silvers at the particular addresses, Scotia Road
23 and Portnall; and Merrick Rose, the person you have been
24 talking about who was the firearms Silver Commander
25 earlier on that morning, he was the Silver at

- 1 Portnall Road.
- 2 A. Right.
- 3 Q. Sorry, Mr Johnston, you said "right", and I should have
4 asked you: the names on the Silvers were up on the
5 boards; can you recall that?
- 6 A. I can't recall the names specifically what was on there
7 but that is the sort of information that would be
8 readily up there, and if it wasn't up there, I believe
9 I would have been asking the question: why isn't it
10 there.
- 11 Q. I just want to go on now to ask you some questions about
12 the sequence of events from about 9.30 to shortly after
13 10 o'clock.
- 14 A. Sir.
- 15 Q. In other words the particular incident with which we are
16 concerned. The first question I want to ask you about
17 this, Mr Johnston, is this: in your statements and in
18 your notes, do you set out any times at which any of the
19 things that you have described to us occurred.
- 20 A. No, other than saying it was shortly after 9.30 am.
- 21 Q. Yes. May I just, so everyone is clear, when you say
22 "shortly after 9 am" may I just explain what is in your
23 statement. You say:
24 "I had returned to the operations room by 9.30 am,
25 and shortly after this I heard Pat state that a male had

1 come out of the communal front door."

2 That's what's in your statement?

3 A. Yes, sir.

4 Q. Just so everyone is clear, when you are describing the
5 subsequent events, apart from you returning at about
6 9.30 and shortly after you hearing this, there is no
7 time at all?

8 A. No times in there at all, sir, no.

9 Q. May I just try to put a sequence of events to you to see
10 whether I can jog your memory or whether you recall.

11 Mr Johnston, may I make something clear, if you can't
12 recall, I don't expect you to agree with me or anything
13 like that; it's just to see whether you do recall. It's
14 your evidence that's important. You have given us
15 a sequence of events and this sequence of events is
16 effectively from your statement dated 8 November 2005.

17 A. Sir.

18 Q. So at that time, when you made your statement, you were
19 effectively, would this be fair to say, putting it in
20 your own words as you recollected the events?

21 A. It is, but, sir, I had made some bullet point notes
22 fairly soon after the event.

23 Q. The sequence of events, does it really go like this:
24 first of all the first thing that's happening is that
25 there is a report that there is a man out of the

- 1 premises, that's the first thing; can you recall that or
2 is that consistent with the --
- 3 A. That's what you would expect to get out of the address,
4 yes.
- 5 Q. Then briefly that person was thought to be a suspect or
6 possibly a suspect?
- 7 A. That's where -- yes.
- 8 Q. Then the information was that he was not considered to
9 be a suspect and you have told us that comes from
10 Trojan 80?
- 11 A. Yes.
- 12 Q. Trojan 80, of course, in the operations room is in
13 communication with people on the ground; is that right?
- 14 A. I presume so, yes.
- 15 Q. You know that they are using mobile telephones as well
16 as the landlines in the communications room?
- 17 A. Absolutely.
- 18 Q. The most obvious person for Trojan 80 to be in contact
19 with would be Silvers tactical firearms adviser,
20 Trojan 84?
- 21 A. That's who I would have assumed it was, yes.
- 22 Q. Now, after Trojan 80 said that he was not now considered
23 to be a suspect, can you recall that there was then
24 a discussion about the surveillance team were still with
25 the person who had left Scotia Road; can you recall any

- 1 discussion about that?
- 2 A. No, I don't recall discussing that. There was various
3 things going on and I have captured what I remember as
4 being the key things for me at that stage.
- 5 Q. What I am doing, Mr Johnston, out of fairness to you and
6 also out of fairness to the people I represent, is I am
7 trying to explore with you the sequence of events, if
8 I may. But you are not saying that a discussion of this
9 sort didn't take place; you are saying that what you
10 have noted are the things that appeared to you to be
11 significant?
- 12 A. There were other things being said because, you know, we
13 have got the bus journey, various things happening on
14 the bus journey so you have got the surveillance monitor
15 will have said things along the way; but the bits that
16 I recall was what Pat said after the comment made by the
17 Trojan 80.
- 18 Q. But you have already answered my learned friend Mr Gibbs
19 who asked you about DS Dingemans who was a S013
20 detective sergeant; you can't recall anything about
21 Detective Sergeant Dingemans being told to go in and
22 make an arrest and that being conveyed to detective
23 Sergeant Dingemans from Mr Boutcher via Angie Scott; do
24 you remember anything about Angie Scott talking --
- 25 A. No, I don't, but again they would have been the further

1 end of the operations room and it wouldn't be coming
2 through on the radios that I would have been probably
3 concentrating on. So it may well have happened, I just
4 didn't hear it.

5 Q. Just so you are clear, Angie Scott was -- I call her
6 Angie, not out of disrespect to her, but because it's
7 the way you know her?

8 A. And she was working closely with
9 Superintendent Boutcher.

10 Q. She was there in the room?

11 A. Yes.

12 Q. Then can you remember Mr Boutcher gave instructions to
13 the S013 people to hold off, that is that they were not
14 to intervene and that was to Mr Dingemans again from
15 Angela Scott?

16 A. Again, I don't recall any of that at all. I am not
17 saying it didn't happen. I just don't recall hearing
18 it.

19 Q. Your account, you have given an account which goes on
20 for two-thirds of a page, which is an account of events
21 which are taking place over approximately 25 to 30
22 minutes?

23 A. And I am concentrating on the area around me, which
24 predominantly is the Special Branch officers, I can see
25 the firearms tac adviser, and obviously there is

1 interaction with Commander Dick and
2 Superintendent Boutcher but they are standing at the far
3 end of the room.

4 Q. Can you remember conversation directed to Pat,
5 Cressida Dick for example asking, "Can you tell me what
6 percentage of identification?" and Mr Boutcher saying
7 something along the lines of, "Give it to me on a scale
8 of 1 to 10"?

9 A. Yes. That's a bit I have got which was the
10 Detective Superintendent Boutcher asked two or three
11 times: out of ten how sure are they that it was the
12 suspect.

13 Q. Can you recall Cressida Dick asking about a percentage
14 identification?

15 A. When I made my notes here at the time, I couldn't
16 remember if it was out of 10 or out of 100 how certain
17 they are, so it may well have been the case.

18 Q. There was a time when the bus was on the Stockwell Road,
19 before the bus arrived at Stockwell, and can you
20 remember a reference being made to Sydney Road?

21 A. No, sir.

22 SIR MICHAEL WRIGHT: Does it come to this, Mr Johnston --
23 like Mr Perry I am certainly not criticising you -- if
24 it's not now in your statement, it's not something you
25 are likely to remember?

1 A. I am not going to remember that sort of detail, sir. We
2 have got -- the control room capture that information
3 and I am just picking up the bits within --

4 SIR MICHAEL WRIGHT: We get it from other sources, you see,
5 but as far as you were concerned, you were concerned
6 with Special Branch intelligence. If it's not now in
7 your statement, you are not going to be able to remember
8 these details.

9 A. No, sir, I am sorry.

10 SIR MICHAEL WRIGHT: There you are, Mr Perry, we can go on
11 and on, but we will not get any information out of it.

12 MR PERRY: I just wanted everyone to understand and I am
13 very grateful to you, sir, because I think you have
14 concisely made the point that the witness is really
15 relying on his statement for this account.

16 Just so we are clear, Mr Johnston, and please don't
17 think I am criticising you at all, but you rely on your
18 statement, if other people say these things happened and
19 you have not recollected them, you are not saying that
20 they didn't happen?

21 A. No, and hopefully I haven't come across as saying that
22 as any stage.

23 Q. Thank you very much. There is one more thing I want to
24 ask you: can you remember another officer, Acting
25 Detective Superintendent Lewindon, is it?

- 1 A. Yes.
- 2 Q. I am going to ask you this, because we are going to hear
3 from him quite soon, but was that officer responsible
4 for the squad within Special Branch investigating
5 domestic extremism?
- 6 A. Yeah, he was one of my DCIs. The day before obviously
7 had been a very busy day, and we all got tied into
8 things, and one of the things I had asked him to do was
9 to come into the ops room just to make sure that he
10 pulled me out, just to make sure we had a coffee and
11 catch up where we were, and that's one of the reasons he
12 was in there. And it also gave me somebody who I could
13 then just -- somebody just to have a look at and give me
14 a view of what their thoughts were.
- 15 Q. Thank you very much. The reason I'm asking you this is
16 because we are going to hear from him but if he gives
17 evidence he may say, I don't know, that he came into the
18 operations room about 10 o'clock to speak to you and
19 that he was in there towards the -- over the final
20 minutes of this incident?
- 21 A. I believe he was, yes.
- 22 Q. How far away from you was he?
- 23 A. He was standing, as I recall --
- 24 Q. Shall we get the operations room plan up and you can
25 just indicate? Thank you.

- 1 A. I think that the door to the FIC is here, I think he was
2 standing around this area here (indicated).
- 3 Q. So just tell us in terms of feet how far away from you?
- 4 A. Oh, 25 feet, 20 feet, something like that. I mean,
5 between me and him there is probably in the room at that
6 stage eight, ten people.
- 7 MR PERRY: Thank you very much indeed, Mr Johnston. That's
8 all I need to ask.
- 9 SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr King?
- 10 MR KING: I have no questions, thank you, sir.
- 11 MR HILLIARD: I wonder if I might have the notes to save
12 time so I can have a quick look at them while Mr Horwell
13 is asking his questions. Thank you.
- 14 SIR MICHAEL WRIGHT: Are we going to finish?
- 15 MR HORWELL: I can see the time, I will be very quick.
- 16 SIR MICHAEL WRIGHT: Yes.
- 17 Questions from MR HORWELL
- 18 MR HORWELL: I think most of what I had an interest in has
19 been already covered.
- 20 My name is Richard Horwell. I appear on behalf of
21 the Commissioner.
- 22 A. Sir.
- 23 Q. The discussion that you have referred to about command
24 structure --
- 25 A. Yes, sir.

- 1 Q. -- these were unchartered times for the Metropolitan
2 Police Service?
- 3 A. That's correct, sir.
- 4 Q. Whatever was being introduced into the command
5 structure, there was no doubt whatsoever that
6 Commander Dick was in control of this operation?
- 7 A. From my view, that's correct.
- 8 Q. You have noted at the bottom of page 51 of your
9 statement that in the course of this conversation about
10 the command structure, you have noted these words:
11 "Boutcher felt this should be dealt with later and
12 that firearms and surveillance were more important and
13 that the processes could be dealt with later."
14 A. That's correct, yes.
- 15 Q. There can be no suggestion that the importance of
16 surveillance and firearms was made very clear by
17 Mr Boutcher at this meeting?
- 18 A. Yes, sir.
- 19 Q. You have been asked about an event at Scotia Road at
20 8.16: did somebody come into the room, did somebody
21 leave; because we will hear that at 8.16 a person left
22 the block at Scotia Road; and you have said you were not
23 aware of anything happening?
- 24 A. I don't recall it.
- 25 Q. You don't. Well, we will hear it was a female that left

1 at that time, Mr Johnston. The authority -- two
2 authorities, one for directed surveillance and one to
3 enable surveillance officers to be armed -- who wrote
4 those authorities, do you know?

5 A. Well, the actual applications were -- I don't recall who
6 wrote them. They were presented to me by a female
7 detective sergeant, as I recall. And then the section
8 which was my authority -- which has my comments on in
9 relation to the directed surveillance, I then typed up
10 and signed.

11 Q. You see, reference has been made to the fact that the
12 only address referred to in these documents is
13 Scotia Road. We know that Scotia Road was made known to
14 the investigating officers first and at a time
15 thereafter, perhaps we will never be clear exactly when,
16 Portnall Road then emerged as an address of interest.

17 Depending upon when this document was written,
18 perhaps at that stage, only Scotia Road had been made
19 known to the police.

20 A. If I can just have a look at my entry at 5.30 in there,
21 perhaps that would help me. (Pause)

22 My entry at 5.30, I do have the squash club comment
23 with 21 Scotia Road and then I have an arrow pointing to
24 that which says, could be an old address,
25 61 Portnall Road W9.

- 1 Q. So you knew about what must have been Portnall Road at
2 that stage?
- 3 A. I put it on my 5.30 entry, yes.
- 4 SIR MICHAEL WRIGHT: Would you have had to, or you or
5 another qualified officer, have had to issue a fresh
6 authorisation for surveillance at Portnall Road?
- 7 A. No, it's about the individual subjects, so having done
8 the subjects --
- 9 SIR MICHAEL WRIGHT: Once you have got one out, it covers
10 them all.
- 11 A. Yes, and in an ideal world I may well have said rewrite
12 it, but this was a time factor in terms of getting them
13 out --
- 14 SIR MICHAEL WRIGHT: All I want to know is what you had
15 issued would cover other addresses.
- 16 A. It would, sir, yes.
- 17 SIR MICHAEL WRIGHT: And would the firearms authorisation as
18 well?
- 19 A. The firearms authorisation isn't related to the
20 individual people or locations we are looking at. It's
21 related to the operation itself.
- 22 SIR MICHAEL WRIGHT: So would that mean that you would need
23 a separate authorisation?
- 24 A. No, it covered the whole lot.
- 25 MR HORWELL: Thank you, sir, for clearing that up. The

1 SIR MICHAEL WRIGHT: We want Whiddett, sorry?

2 MR HILLIARD: Lewindon, Whiddett, Alan, ZAJ and if Mr ZAJ
3 isn't available, it will be Lewindon, Whiddett, Alan and
4 then Brian and Bernard.

5 MS LEEK: Sir, I can indicate that Inspector ZAJ is
6 available tomorrow.

7 SIR MICHAEL WRIGHT: So it will be ZAJ tomorrow, thank you
8 very much.

9 MR HILLIARD: Mr Horwell tells us there is a statement he
10 will provide us with from Alan.

11 MR HORWELL: It is here.

12 SIR MICHAEL WRIGHT: So Whiddett, ZAJ, Alan.

13 MR HILLIARD: No, Lewindon, Whiddett, Alan, ZAJ, full stop.
14 As Inspector ZAJ is available, we will not have to go to
15 plan B.

16 SIR MICHAEL WRIGHT: All right. So we are actually running
17 now perhaps two witnesses adrift.

18 MR HILLIARD: Three, I think, Brian, Bernard and Rose
19 behind, and we have used two Fridays, but otherwise we
20 are up to speed.

21 SIR MICHAEL WRIGHT: Very well. You may have thought I was
22 joking but in that case, is it Deputy Assistant
23 Commissioner Dick will be starting on Monday.

24 MR HILLIARD: Yes.

25 SIR MICHAEL WRIGHT: 10 o'clock.

1 (4.35 pm)
2 (The court adjourned until 10.00 am on
3 Friday, 3 October 2008)
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15
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17
18
19
20
21
22
23
24
25

	INDEX	
		PAGE
1		
2		
2		
3	DETECTIVE CHIEF SUPERINTENDENT JON	1
4	BOUTCHER (continued)	
5		
6	Questions from MR HORWELL	1
7		
8	Further questions by MR HOUGH	78
9		
10	Questions from THE CORONER	85
11		
12	CHIEF SUPERINTENDENT DAVID JOHNSTON	89
13	(sworn)	
14		
15	Questions from MR HILLIARD	89
16		
17	Questions from MR MANSFIELD	147
18		
19	Questions from MR GIBBS	173
20		
21	Questions from MR PERRY	176
22		
23	Questions from MR HORWELL	194
24		
25	Discussion re: timetabling	198

